

# Kansas Register

Ron Thornburgh, Secretary of State

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## State of Kansas

## Office of the Governor

## Executive Order No. 97-8

WHEREAS, on the 31st day of July, 1995, Damon Thomas was convicted in the county of Wyandotte, in the State of Kansas, of the crime of Attempted Criminal Possession of a Firearm, a felony; and

WHEREAS, on the 26th day of July, 1997, said Damon Thomas escaped the custody of the Kansas Secretary of Corrections, Lansing Correctional Facility; and

WHEREAS, the offer of a reward will enhance the efforts of the agencies and officers involved in the investigation of this escape;

NOW, THEREFORE, by virtue of the authority vested in me by K.S.A. 75-113, I, Bill Graves, Governor of the State of Kansas, do hereby offer a reward of five thousand dollars (\$5,000.00) for information leading to the apprehension of said Damon Thomas.

This document shall be filed with the Secretary of State as Executive Order No. 97-8, and shall become effective immediately.

Dated September 10, 1997.

Bill Graves  
Governor

Attest: Ron Thornburgh  
Secretary of State

Doc. No. 019671

## State of Kansas

Department of Administration  
Division of Architectural ServicesNotice of Commencement of  
Negotiations for Engineering Services

Notice is hereby given of the commencement of negotiations for "on-call" engineering services for the University of Kansas. The firm selected will provide services on small projects for the university.

For information regarding the scope of services, contact Jim Modig, Director of Design and Construction Management, University of Kansas, (785) 864-3431.

If interested, an original and six copies of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (785) 233-9367. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. October 10.

Thaine Hoffman, AIA  
Director, Division of  
Architectural Services

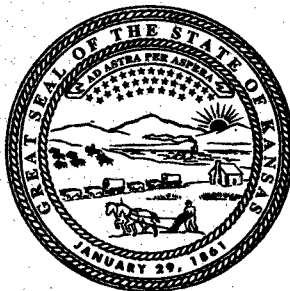
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**Room 233-N, State Capitol**  
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## State of Kansas

## Commission on Disability Concerns

## Notice of Meeting

The Kansas Commission on Disability Concerns will have its annual board meeting from 9:30 a.m. to 4 p.m. Friday, October 10, in the Pozez Education Center, Centennial A, 1505 S.W. 8th, Topeka. Persons requiring special accommodations are asked to call the commission at (785) 296-1722.

Wayne L. Franklin  
Secretary of Human Resources

Doc. No. 019695

## State of Kansas

## Advisory Committee on Hispanic Affairs

## Notice of Meeting

The Kansas Advisory Committee on Hispanic Affairs will conduct its quarterly board meeting from 1 to 3:30 p.m. Saturday, September 27, at El Centro, a community-based agency located at 1333 S. 27th, Kansas City, Kansas. The meeting is open to the public.

Wayne L. Franklin  
Secretary of Human Resources

Doc. No. 019696

## State of Kansas

## Legislature

## Interim Committee Schedule

The following committee meetings have been scheduled during the period of September 29 through October 12:

Date	Room	Time	Committee	Agenda
September 29	519-S	12:30 p.m.	Special Committee on Assessment and Taxation	29th: Property tax assessed valuation data; public hearing on Proposal No. 2; draft committee report on Proposal No. 1; possible action on Proposals No. 4 and 8.
September 30	519-S	9:00 a.m.		
October 1	514-S	10:00 a.m.	Special Committee on Child Enforcement Oversight	30th: Hearings continue and possible action on Proposals No. 5 and 6; possible action on Proposals No. 3 and 7.
October 2	514-S	9:00 a.m.		
October 1	526-S	Canceled	Special Committee on Energy and Natural Resources	Agenda unavailable.
October 2		9:00 a.m.		
October 3	519-S	9:00 a.m.	SRS Transition Oversight Committee	Review Republican River Compact issues; report on water quality issue; and continued discussion on dam and water impoundment safety issue.
October 6	Ulysses	10:00 a.m.	Legislative Post Audit Committee	Discussion and possible decision regarding LTC Ombudsman Program; WSH&TC closure and guardianship issues; provider choice in community-based aging services; foster care issues; testimony on Services for the Blind.
October 7	514-S	10:00 a.m.	Health Care Reform Legislative Oversight Committee	Legislative matters.
October 8	514-S	9:00 a.m.		
October 7	519-S	10:00 a.m.	Special Committee on Governmental Organization	7th: Child health coverage (Title XXI).
October 8	519-S	9:00 a.m.		
October 9	514-S	9:00 a.m.	Special Committee on Community College Governance	8th: Health data collection; rural health access.
October 10	514-S	9:00 a.m.		
October 9	519-S	10:00 a.m.	Special Committee on Judiciary	Agenda unavailable.
October 10	519-S	9:00 a.m.		
October 9			Joint Committee on Arts and Cultural Resources	Agenda unavailable.
October 10				

Emil Lutz  
Director of Legislative  
Administrative Services

Doc. No. 019687

## State of Kansas

**Employee Award Board****Notice of Meeting**

The Employee Award Board will meet at 8:30 a.m. Tuesday, September 30, in the Division of Personnel Services, Room 951-S, Landon State Office Building, 900 S.W. Jackson, Topeka.

Ben Barrett  
Chairperson

Doc. No. 019668

## State of Kansas

**Pooled Money Investment Board****Notice of Investment Rates**

The following rates are published in accordance with K.S.A. 1996 Supp. 75-4210. These rates and their uses are defined in K.S.A. 1996 Supp. 12-1675(b)(c)(d), and K.S.A. 1996 Supp. 75-4201(l) and 75-4209(a)(1)(B).

Effective 9-22-97 through 9-28-97	
Term	Rate
1-89 days	5.52%
3 months	5.19%
6 months	5.38%
9 months	5.52%
12 months	5.62%
18 months	5.71%
24 months	5.78%

William E. Lewis  
Chairman

Doc. No. 019690

## State of Kansas

**Real Estate Appraisal Board****Notice of Hearing on Proposed Administrative Regulations**

A public hearing will be conducted at 10 a.m. Friday, December 5, in the second floor conference room of the Columbian Title Building, 820 S. Quincy, Topeka, to consider the adoption of amendments to regulations 117-2-1, 117-3-1, 117-3-2, 117-4-1, 117-4-2, 117-6-1, 117-6-3 and 117-8-1.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the Kansas Real Estate Appraisal Board, Columbian Title Building, 820 S. Quincy, Suite 314, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic im-

pact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Michael Haynes at (785) 296-0706.

The regulation amendments are proposed for adoption on a permanent basis. A summary of the proposed amendments and their economic impact follows.

**117-2-1. Licensed classification; education requirements.** This would require an increase of 15 classroom hours of pre-licensing education and not allow experience credit to be obtained for teaching a course. It is estimated that this would be an increase of \$150-\$400 to new applicants.

**117-3-1. General classification; education requirements.** This would require an increase of 15 classroom hours of pre-licensing education and not allow experience credit to be obtained for teaching a course. It is estimated that this would be an increase of \$150-\$400 to new applicants.

**117-3-2. General classification; experience requirement.** This would require a new applicant to have an additional 1,000 hours of experience credit. There would be no economic impact to applicants, appraisers, the public or state agencies.

**117-4-1. Residential classification; education requirements.** This would not allow experience credit to be obtained for teaching a course. There would be no economic impact to applicants, appraisers, the public or state agencies.

**117-4-2. Residential classification; experience requirement.** This would require a new applicant to have an additional 500 hours of experience credit. There would be no economic impact to applicants, appraisers, the public or state agencies.

**117-6-1. Continuing education; renewal requirements.** This would increase the number of hours of continuing education annually from 10 to 14. This could have an economic impact of approximately \$150-\$400 to all licensed or certified appraisers. There would be no impact to the public or state agencies.

**117-6-3. Education; obtaining course approval.** This would require all providers of the Uniform Standards of Professional Appraisal Practice courses to provide the student with the current copy of the Uniform Standards of Professional Appraisal Practice. This may add additional costs to the student and/or provider; however, it is expected to be minor, if any. There will be no additional costs to the public or state agencies.

**117-8-1. Uniform standards of professional appraisal practice.** This would revise the regulation so it would not have to be amended each time the Uniform Standards of Professional Appraisal Practice is updated. There would be no economic impact to appraisers, the public or state agencies.

Copies of the regulations and their economic impact statement may be obtained from the Kansas Real Estate Appraisal Board.

Michael K. Haynes  
Director

Doc. No. 019689

## State of Kansas

## Social and Rehabilitation Services

## Notice of Medicaid State Plan Amendment

An amendment to the State Medicaid Plan attachment 4.19D is being submitted to the federal Department of Health and Human Services Health Care Financing Administration, changing the cost center limits for intermediate care facilities for persons who are mentally retarded (ICFs/MR). Social and Rehabilitation Services, through the Commission on Mental Health and Developmental Disabilities (SRS/MH&DD), proposes to increase selected cost center limitations for ICFs/MR effective September 30, 1997. The approved State Medicaid Plan requires that ICF/MR cost center limitations be reviewed before October 1 each year and, if less than 75 percent of all ICFs/MR are reimbursed less than 95 percent of their reported allowable Medicaid costs, cost center limits must be adjusted.

SRS/MH&DD staff compared the reported allowable costs of all ICFs/MR with the current cost center limits for habilitation and administration and determined adjustments in certain cost center limits were justified. The cost center limit adjustments and justification are as follows:

**Habilitation Cost Center Limits**

Large facilities with more than 16 beds: No large facility has reported allowable costs exceeding the current habilitation cost center limits. Therefore, no changes in these cost center limits will be made.

**Medium Facilities with 9 to 15 beds**

Level 1: No Level 1 medium-sized facility has reported allowable costs which exceed the current habilitation cost center limit. Therefore, no changes in this cost center limit will be made.

Level 2: One Level 2 medium-sized facility has reported allowable costs which exceed the current habilitation cost center limit. However, this facility will be downsizing and will fall into a new size category with higher habilitation cost center limits. Therefore, no changes in this cost center limit will be made.

Level 3: All Level 3 facilities report allowable costs in excess of the cost center limit. Because of this, the limit is being raised by approximately 15 percent to account for increased costs to serve individuals in these facilities, attributed to inflation since the limit was last set. This raises this habilitation cost center limit from \$103.72 to \$120 per person per day.

Level 4: All Level 4 facilities report allowable costs in excess of the cost center limit. Because of this, the limit is being raised by approximately 15 percent to account for increased costs to serve individuals in these facilities, attributed to inflation since the limit was last set. This raises this habilitation cost center limit from \$92.08 to \$106 per person per day.

Level 5: There are no Level 5 ICFs/MR in Kansas.

**Small ICFs/MR with 4 to 9 beds:**

Level 1: Only two Level 1 facilities are over the cost center limit. However, because Winfield State Hospital

and Training Center is closing and more severely disabled persons are choosing to stay in smaller community settings, the people living in these facilities are more and more severely disabled. An examination of staffing patterns revealed the staff-to-client ratios in these facilities are very similar to those in Level 2, but, based on the increased needs of those living in these facilities, the ratios should be higher. This level of ICF/MR was just established two years ago so a significant increase in cost center limits is not warranted. Based on these factors, the habilitation cost center limit will be raised from \$155 to \$163 per person per day.

Level 2: Five of eight small Level 2 ICFs/MR report allowable costs which exceed the current habilitation cost center limits. An analysis of the staff-to-client ratios in these facilities indicate they are adequate. However, because large numbers of this size and level of facility are over the current cost center limit, an increase in the cost center limit is warranted. The increase raises the habilitation cost center limit from \$141.49 to \$153 per person per day.

**Administrative Cost Center Limits**

The reported allowable administrative costs for approximately half of all ICFs/MR exceed established administrative cost center limits. These limits have not been increased for six years. Based on the increases in costs which can be attributed to inflation, these cost center limits will be raised approximately 15 percent as follows:

Facility Size	Old Administrative Cost Center Limit	New Administrative Cost Center Limit
Large	\$ 8.25	\$ 9.50
Medium	\$15.25	\$17.50
Small	\$22.00	\$25.00

It is estimated the expected increase in annual aggregate expenditures will be \$475,410 in state fiscal year (SFY) 1998 and \$633,880 in SFY 1999. It is estimated that 40.5 percent of this amount will be state general funds in SFY 1998 and 40.55 percent of the SFY 1999 amount will be state general funds.

Copies of this notice and the State Medicaid Plan amendment have been sent to all licensed and Medicaid-certified ICFs/MR. Any questions or expressions of interest can be directed to Cynthia Capellari, Mental Health and Developmental Disabilities, Docking State Office Building, 5th Floor North, 915 S.W. Harrison, Topeka, 66612-1570, (785) 296-3561. Copies also are available for inspection at any Social and Rehabilitation Services area office.

Rochelle Chronister  
Secretary of Social and  
Rehabilitation Services

Doc. No. 019686

## State of Kansas

## Office of the Securities Commissioner

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 10 a.m. Monday, November 24, at the Office of the Kansas Securities Commissioner, 618 S. Kansas Ave., 1st Floor, Topeka, 66603, to consider the adoption of K.A.R. 81-5-13 and 81-5-14; the revocation of K.A.R. 81-5-9; and the amendment of K.A.R. 81-2-1, 81-3-1, 81-3-2 and 81-5-8. The regulations are proposed for adoption on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing by addressing them to the commissioner at the address above. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation. Following the hearing, all written and oral comments submitted by interested parties will be considered by the commissioner as a basis for making changes to the proposed regulations.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Libby Peterson at (785) 296-3307 or the Kansas Relay Center at 1-800-766-3777. Handicapped parking is located on Kansas Ave., and the first floor hearing room is accessible to individuals with disabilities.

Proposed K.A.R. 81-5-13 permits businesses to offer and sell securities to "accredited investors" without going through the formal process for registering the securities. In general, an accredited investor is a bank, private business development company, large nonprofit organization, or a person who earns \$200,000 per year or has a net worth in excess of \$1,000,000 (17 C.F.R. 230.501(a)). The accredited investor exemption permits a general public announcement containing limited information about the issuer and the securities. Purchasers of the securities must buy for investment purposes rather than resale, and the exemption is not available for blind pool issuers or persons with significant disciplinary histories in the securities industry. There is no quantifiable economic impact from the proposed regulations on this agency, other governmental agencies, or the general public. It is believed that the regulations will significantly reduce the costs of capital formation for certain businesses regulated by this agency, with minimal negative impacts upon the investing public.

Proposed K.A.R. 81-5-14 is necessary because of changes in federal and Kansas laws for the regulation of "federal covered securities," namely mutual funds and unit investment trusts. Under previous provisions of

Kansas law, mutual funds and unit investment trusts were required to register under K.A.R. 81-4-1 unless they qualified for a "blue chip" exemption under K.A.R. 81-5-9. Fees for registration or the blue chip exemption were on a sliding scale from \$100 to \$1,500. Under the new regulatory scheme mandated by federal law, issuers of federal covered securities will no longer have to go through the registration process or qualify for the blue chip exemption as long as they (1) file a notice of intention to sell, and (2) pay a filing fee. Proposed K.A.R. 81-5-14 would establish a flat filing fee of \$500 for mutual funds and \$200 for unit investment trusts. The changes will generate estimated savings of approximately \$700,000 for issuers of mutual funds and unit investment trusts.

The changes in the regulation of federal covered securities render the blue chip exemption of K.A.R. 81-5-9 obsolete.

K.A.R. 81-2-1 governs the technical requirements for submitting filings with the Office of the Securities Commissioner. The proposed amendments to K.A.R. 81-2-1 authorize the commissioner to adopt new policies for accepting electronic filings as technology evolves. The amendments also reflect the approval of a new form by the commissioner and the deletion of several obsolete forms. The proposed amendments will have negligible economic impact upon the investing public, the regulated securities industry, or any other entity.

Under the current version of K.A.R. 81-3-1, investment advisers are prohibited from associating with more than one broker-dealer, securities issuer, or employing investment adviser firm. The proposed amendments would remove the prohibition to bring Kansas into conformity with other states and to reflect current practice in the securities industry. The amendments may result in more filing fees as investment advisers associate with more firms, but the anticipated economic impact is minimal. The proposed amendments also adopt an ethical standard for securities professionals who deal in investment company shares. The additional costs of compliance by the industry, the additional costs of enforcement by the Securities Commissioner, and the savings to the investing public are unknown.

K.A.R. 81-3-2 establishes the registration fees for securities professionals who are regulated by the Office of the Securities Commissioner. The proposed amendments to K.A.R. 81-3-2 increase the fees for brokerage firms and investment adviser firms from \$100 to \$200, increase the fees for individual securities agents and investment adviser representatives from \$30 to \$50, and establish a fee of \$200 for federal covered advisers. In total, it is estimated that the change in fee rates will increase revenues to the Office of the Securities Commissioner by approximately \$1,100,000. The increase in fees will be substantially offset by the proposed fee reduction for mutual funds in K.A.R. 81-5-14, and reflects a shift in state-level regulatory emphasis away from certain types of securities toward the regulation of licensed securities professionals.

The proposed amendments to K.A.R. 81-5-8 establish a filing fee of \$100 for the new accredited investor exemption under K.A.R. 81-5-13. The number of offerings that will qualify for the exemption is unknown, but issuers will save money by utilizing the exemption to forego for-



mal registration, and the new fee is intended to minimize the corresponding loss of revenue to the Office of the Securities Commissioner. In addition, the proposed amendments to K.A.R. 81-5-8 adopt a fee of \$100 for notices filed in connection with securities issued by nonprofit organizations. The estimated economic impact from the fee is \$6,700 per year, which will offset staff costs associated with the review of nonprofit exemption filings.

The proposed regulations have no impact upon other governmental units or agencies.

Copies of the full text of the proposed regulations and the economic impact statements may be obtained by writing to the Office of the Securities Commissioner.

David R. Brant  
Kansas Securities Commissioner

Doc. No. 019688

#### State of Kansas

### Kansas Development Finance Authority

#### Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, October 9, in the conference room of the Kansas Development Finance Authority, Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, on the proposal for the Kansas Development Finance Authority to issue approximately \$5,000,000 principal amount of Educational Facilities Revenue Bonds for St. Thomas Aquinas High School, Inc., a Kansas not-for-profit corporation (the institution). The bonds will be issued, pursuant to K.S.A. 74-8901 *et seq.*, to finance costs of construction and equipping additional classrooms, an auditorium, a fine arts center, and related improvements and equipment to be used by St. Thomas Aquinas High School, Inc. (the project). St. Thomas Aquinas High School is located at 11411 Pflumm Road, Overland Park, Johnson County, Kansas.

The bonds, when issued, will be a limited obligation of the Kansas Development Finance Authority and will not constitute a general obligation or indebtedness of the State of Kansas or any political subdivision thereof, including the Authority, nor will the bonds constitute an indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. The bonds will be payable solely and only from amounts received from the institution, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bonds as and when they shall become due.

All individuals who appear at the hearing will be given an opportunity to express their views for or against the proposal to issue any specific bonds for the purpose of financing the project, and all written comments previously filed with the Authority at its offices at Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the Authority.

Wm. F. Caton  
President

Doc. No. 019699

#### State of Kansas

### Kansas Parole Board

#### Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 1 p.m. Wednesday, November 26, in Room 106, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of a proposed rule and regulation of the Kansas Parole Board on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to Marilyn Scafe, Chairperson, Kansas Parole Board, Room 452-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1220. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and its associated economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Terri Saiya at (785) 296-3469. Handicapped parking is located at the south end of the Landon State Office Building, and the north entrance to the building is accessible.

Summaries of the proposed regulation and its economic impact follow.

**K.A.R. 45-9-2, Release revocation hearings**, establishes the procedural rights and standards for hearings to determine whether an offender has violated the terms of release and, therefore, whether the individual's release should be revoked. Based on the decision of the Kansas Supreme Court in *Brown v. Kansas Parole Board and Koerner, Principal Administrator of the Topeka Correctional Facility*, No. 77,629 (July 18, 1997), the amendments to K.A.R. 45-9-2 are proposed to clarify the conditions under which the Kansas Parole Board will appoint legal counsel to represent the offender.

Currently, K.A.R. 45-9-2 states that "representation by legal counsel may be allowed at the discretion of the board and at the parolee's expense." Proposed amendments delete this provision and provide that each offender is entitled to have legal counsel present at the hearing, at the offender's expense. K.A.R. 45-9-2 is further amended to include the following additional requirements.

- Legal counsel may be appointed by the board, based upon either of the following claims, which must be timely and colorable: (A) the offender has not committed the alleged violation of the conditions upon which the offender is at liberty; or (B) there are substantial reasons that justify or mitigate the violation and make revocation inappropriate.

(continued)

- The board's decision regarding the appointment of counsel must take into account whether the offender appears to be capable of speaking effectively for that individual and whether the circumstances are complex or otherwise difficult to develop or present.
- In all cases in which a request for appointed counsel at a preliminary or final revocation hearing is denied, the grounds for denial shall be made in writing.

Under the current regulation, offenders are permitted to have counsel during release revocation hearings at the discretion of the board and only at the offender's expense. The proposed amendments recognize the offender's right to have counsel at the offender's expense and also establish conditions under which counsel may be appointed by the board. Therefore, any offender with financial resources to pay for counsel can choose to be represented during the preliminary or final hearing, or both. These amendments also will provide representation to indigent offenders without cost to the offender in those cases in which the board finds that appointment of counsel is appropriate under the conditions stated in K.A.R. 45-9-2. While it is not possible to identify a particular economic impact on offenders that would result from the availability of counsel, legal representation may result in a more positive outcome for the offender in instances in which the offender was not capable of effectively representing himself or herself due to the nature of the issues or the offender's abilities.

These amendments will have an undetermined but minimal economic impact on the Kansas Parole Board and the Kansas Department of Corrections. If a question regarding the need for appointed counsel arises, the staff of the Department of Corrections (at the preliminary hearing level) and the Kansas Parole Board (at the final hearing level) will be required to review the factual circumstances in the case and make a determination regarding the appointment of an attorney. Some administrative time and resources would be required to make that determination, and then either a written explanation of the grounds for denial of the request would be provided or an attorney would be appointed. However, it is not possible to quantify any costs associated with processing the requests for counsel.

If it is determined that counsel should be appointed, it may be necessary to postpone and reschedule the preliminary or final hearing in order to obtain legal representation for the offender. If an offender requests representation at the preliminary hearing level, the Department of Corrections intends to transfer the offender from the local jail (where preliminary hearings are typically held) to a corrections facility, thereby eliminating per diem payments to the local jail during any delay occasioned by a need to obtain counsel.

Although the number of instances in which the board would find that it is necessary to appoint counsel for an indigent offender cannot be precisely identified, it is estimated that such a determination would be made on fewer than five occasions per year. The Department of Corrections and the Kansas Parole Board anticipate that representation would be obtained for these offenders through a not-for-profit corporation, Legal Services for

Prisoners, which does not charge a fee to the board or to the Department of Corrections for these services. No additional costs to the Department of Corrections or to the Kansas Parole Board for appointed counsel are anticipated, and due to the relative rarity of the need for appointed counsel and the brevity of most hearings, additional requests for representation by Legal Services for Prisoners or other sources of indigent defense are not expected to be consequential. No economic impact on private citizens is anticipated.

Copies of the proposed regulation and the associated economic impact statement may be obtained by contacting the Kansas Parole Board.

Marilyn Scafe  
Chairperson

Doc. No. 019681

(Published in the Kansas Register September 25, 1997.)

### City of Kansas City, Kansas Single Family Mortgage Revenue Bonds 1980 Series A

NOTICE IS HEREBY GIVEN that, pursuant to Section 3.01 of the Trust Indenture \$435,000.00 principal amount of the Bonds are being called for redemption on **November 1, 1997** at the redemption price of 100% of the principal amount being redeemed plus accrued interest thereon to the redemption date. This Notice was first published on Thursday, September 25, 1997 in the Kansas Register and The Bond Buyer.

The certificate numbers of the bonds to be partially or fully redeemed in the amounts described below are as follows:

#### BEARER BONDS

**Due May 1, 2012 (CUSIP No. 484770BL5)**

**Bearer Bonds called in denominations of \$5,000 each:**

2228, 2241 2326 2641 2675 3379 4086  
4131 4585 4586 4675 5364 5753 7160 7277 7424 7466

Coupons due November 1, 1997 should be presented in the normal manner. Coupons due May 1, 1998 and all subsequent coupons must be attached to bonds called for redemption.

#### REGISTERED BONDS

**Due May 1, 2012 (CUSIP No. 484770BL5)**

**Registered Bonds called in the amount indicated below:**

Bond No.	Amt Called
R501	\$ 5,000.00
R597	5,000.00
R657	340,000.00

Payment of the redemption price of the bonds to be redeemed will be made at Security Bank of Kansas City, One Security Plaza, Kansas City, Kansas 66101. To avoid a 31% backup withholding required by the Interest and Dividend Tax Compliance Act of 1983, bondholders should submit Certified Taxpayer Identification Numbers on IRS Form W-9 when presenting their securities for redemption.

Notice is hereby given that on and after November 1, 1997, interest on the bonds hereby called for redemption shall cease to accrue.

**SECURITY BANK OF KANSAS CITY,  
KANSAS CITY, KANSAS, Trustee**

Dated: September 25, 1997

The CUSIP number is included solely for the convenience of the Bondholders. Neither the Issuer nor the Trustee shall be responsible for the selection or the use of the CUSIP number, nor is any representation made as to its correctness on the securities or as indicated on any redemption notice.

Doc. No. 019675



## State of Kansas

Office of Judicial Administration  
Court of Appeals Docket

(Note: Dates and times of arguments are subject to change.)

Kansas Court of Appeals  
Seaman High School  
4850 N.W. Rochester Road  
Topeka, Kansas

Before Gernon, P.J.; Knudson J.; and Van Hampton, D.J., assigned.

Tuesday, October 7, 1997

9:00 a.m.

Case No.	Case Name	Attorneys	County
77,414	John Schmidt, Appellant, v. Board of Education, USD #322, Onaga, Havensville, Wheaton, Appellee.	David M. Schauner  J. Steven Pigg	Pottawatomie
75,684	State of Kansas, Appellee, v. Clifford A. Scott, Appellant.	Kelly Feyh, Asst. A.G. Nancy Siples Brumeloe, Asst. D.A. Jessica R. Kunen, Chief A.D. Edward G. Collister, Jr., Special A.D.	Shawnee

10:30 a.m.

76,343	State of Kansas, Appellee, v. Harvey Laster, Appellant.	Attorney General Russ Roe, Asst. C.A. Jessica R. Kunen, Chief A.D. Steven R. Zinn, Deputy A.D.	Geary
76,908	Daneen Ishmael-Rupp, Roger Hamm, Mary Barnes, Timothy Collier, Terrence McGuire, Ellen Long, and Phillip Dudley, Appellants, v. Kansas Dept. of Revenue, Appellee.	Daneen Ishmael-Rupp, pro se Frank S. Reeb	Shawnee

1:30 p.m.

76,966	Discount Siding Supply, L.P., Appellee, v. Kansas Dept. of Human Resources, Appellant.	John T. Bird Merrill J. Hicklin Befort	Shawnee
77,027	State of Kansas, Appellee, v. Martin Caddell, Appellant.	Attorney General Gwynne E. Harris, Asst. D.A. Jessica R. Kunen, Chief A.D. Hazel Haupt, Asst. A.D.	Shawnee

Kansas Court of Appeals  
Kansas Judicial Center  
301 W. 10th Ave., 2nd Floor  
Topeka, Kansas

Before Gernon, P.J.; Knudson, J.; and Van Hampton, D.J., assigned.

Wednesday, October 8, 1997

9:00 a.m.

Case No.	Case Name	Attorneys	County
78,029	In the Matter of E.G., a Minor Child.	John R. Kurth Patrick E. Henderson, Asst. C.A.	Atchison
76,370	State of Kansas, Appellee, v. Kelvin M. Campbell, Appellant.	Attorney General Allen A. Ternent, C.A. John R. Kurth	Atchison

(continued)

10:15 a.m.

78,239	In the Matter of the Adoption of D.M.M., a Minor Male.	Mark W. Works Austin K. Vincent	Shawnee
<b>Summary Calendar—No Oral Argument</b>			
76,912	Modest Turner Foster, Jr., Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General District Attorney	Shawnee
78,044	Maryland Casualty Co., Appellee, v. Gary P. Anderson and Michael B. Anderson, d/b/a B.A.S., Inc., and B.A.S. Contractors, Appellants.	Louis J. Wade William G. Haynes	Jackson
77,057	James L. Nalley, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Lisa Nathanson, Asst. A.D. Attorney General Bret Lawson, Asst. C.A.	Montgomery
77,816	Jerry Rice, Appellant, v. Channel 4 News, Inc., and Mike Russell, Appellees.	Jerry Rice, pro se Mark Beam-Ward Sam L. Colville Dana L. Parks	Wyandotte
76,765	In the Matter of the Marriage of Frank Bowker, Appellant, and Carolyn Bowker, Appellee.	William S. Mills Britt Colle	McPherson
77,035	State of Kansas, Appellee, v. Kelly J. Simon, Appellant.	Attorney General G. Craig Robinson Debra S. Peterson, Asst. D.A. David Lowden, Asst. D.A.	Sedgwick

**Kansas Court of Appeals  
Old Sedgwick County Courthouse  
510 N. Main, 3rd Floor  
Wichita, Kansas**

**Before Pierron, P.J.; Green, J.; and Eric S. Rosen, D.J., assigned.**

**Tuesday, October 7, 1997**

9:00 a.m.

Case No.	Case Name	Attorneys	County
78,711	Amy Franz, Appellee, v. David T. Everett, Appellant.	Gerald J. Domitrovic David T. Everett, pro se	Sedgwick
75,039	State of Kansas, Appellee, v. Raul Calderon-Ceniceros, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Doyle Baker, Asst. D.A. Jessica R. Kunen, Chief A.D. Mary Curtis, Asst. A.D.	Sedgwick

10:45 a.m.

77,038	State of Kansas, Appellee, v. Edward T. Weiss, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Elizabeth Rogers, Asst. D.A. Jessica R. Kunen, Chief A.D. James Brent Getty, Asst. A.D.	Sedgwick
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1:30 p.m.

76,661	Wayne Matney, Appellant, v. Payday Motors, Inc., Appellee.	Ryan Hodge David L. Nelson	Sedgwick
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2:45 p.m.

76,497	State of Kansas, Appellee, v. Michael Bolin, Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D. Randall L. Hodgkinson, Asst. A.D.	Saline
77,257	John L. Brown and Deborah L. Brown, Appellees, v. Continental Insurance Company, and Dulaney, Johnston & Priest, Appellants.	Norman G. Manley Jerome V. Bales Arthur S. Chalmers	Butler

Wednesday, October 8, 1997

9:00 a.m.

Case No.	Case Name	Attorneys	County
76,463	State of Kansas, Appellee, v. Walter Trusdale, Jr., Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Charles R. Reimer, Asst. D.A. Jessica R. Kunen, Chief A.D. Reid T. Nelson, Asst. A.D.	Sedgwick
75,976	State of Kansas, Appellee, v. Charles L. Claphan, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. David Lowden, Asst. D.A. Jessica R. Kunen, Chief A.D. Thomas Jacquinet, Asst. A.D.	Sedgwick
76,897	State of Kansas, Appellee, v. James Douglas Sherrell, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. David Lowden, Asst. D.A. Jessica R. Kunen, Chief A.D. Lisa Nathanson, Asst. A.D.	Sedgwick

## Summary Calendar—No Oral Argument

77,216	Leonard Henderson, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Ryan Kipling Elliot, Asst. A.D. Attorney General Debra S. Peterson, Asst. D.A. Thomas J. Schultz, Asst. D.A.	Sedgwick
78,285	Xuan Hiep Le, Appellant, v. Charles E. Simmons, <i>et al.</i> , Appellees.	Michael C. Robinson Jon D. Graves	Reno
77,190	Gary Dean McDaniel, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Janine Cox, Asst. A.D. Attorney General Debra S. Peterson, Asst. D.A. Charles R. Reimer, Asst. D.A.	Sedgwick
77,406	State of Kansas, <i>ex rel.</i> , Secretary, Dept. of SRS, Rachel A. Shuler, Individually and as Parent and Next Friend of Nicholas K. Shuler, a Minor Child, Appellant, v. Allen L. Cunningham, Appellee.	Scott Thompson Steven K. Blackwell David Lipe Serrault Robert A. Thompson	Saline
76,797	State of Kansas, Appellee, v. Herbert W. Kulick, Jr., Appellant.	Attorney General Debra S. Peterson, Asst. D.A. David Lowden, Asst. D.A. Jessica R. Kunen, Chief A.D. Alice A. Craig, Asst. A.D.	Sedgwick
78,784	Johnny E. Crowder, Appellant, v. Micha Ross, <i>et al.</i> , Appellees.	Johnny E. Crowder, pro se James W. Coder, Asst. A.G.	Reno

(continued)

Kansas Court of Appeals  
Finney County Courthouse  
425 N. 8th  
Garden City, Kansas  
Before Lewis, P.J.; Royse and Marquardt, JJ.  
Tuesday, October 7, 1997

9:00 a.m.

Case No.	Case Name	Attorneys	County
76,567	State of Kansas, Appellee, v. Bradley Shawn Cordill, Appellant.	Attorney General Brian R. Sherwood, Asst. C.A. Jessica R. Kunen, Chief A.D. Ryan Kipling Elliott, Asst. A.D.	Finney
76,283	State of Kansas, Appellee, v. Rafael Enrique Arellano, Appellant.	Attorney General Scott M. Schultz, Asst. C.A. Jessica R. Kunen, Chief A.D. Alice A. Craig, Asst. A.D.	Finney
76,742	Manuel Castillo Rodriguez, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Lisa Nathanson, Asst. A.D. Attorney General Scott M. Schultz, Asst. C.A.	Finney

10:45 a.m.

76,527	State of Kansas, Appellee, v. Adam Ekhoft, Appellant.	Attorney General John Shirley, C.A. Jessica R. Kunen, Chief A.D. Alice A. Craig, Asst. A.D.	Scott
76,424/ 76,425	State of Kansas, Appellee, v. Walter Lee Donaho, Appellant.	Attorney General Scott M. Schultz, Asst. C.A. Jessica R. Kunen, Chief A.D. Thomas Jacquinet, Special A.D.	Finney

Wednesday, October 8, 1997

9:00 a.m.

Case No.	Case Name	Attorneys	County
77,246	Clayton Edward Bolton, Appellant, v. State of Kansas, Appellee.	John M. Lindner Attorney General Don L. Scott, C.A.	Seward
77,233	In the Matter of the Marriage of Ronnie R. Taylor, Appellant, and Carol A. Taylor, Appellee.	Ronnie Ray Taylor, pro se Charles R. Pike	Lane

10:45 a.m.

76,720	State of Kansas, Appellee, v. Chester L. Jackson, Appellant.	Attorney General Clinton B. Peterson, Asst. C.A. Jessica R. Kunen, Chief A.D. Andrew L. Warren, Asst. A.D.	Seward
76,578	State of Kansas, Appellee, v. Fidel Gutierrez, Appellant.	Attorney General David C. Black, Asst. C.A. Jessica R. Kunen, Chief A.D. Ryan Kipling Elliott, Asst. A.D.	Stanton

Summary Calendar—No Oral Argument

77,119	State of Kansas, Appellee, v. Linda Clay-Dominguez, Appellant.	Attorney General Russell W. Hasenbank, Asst. C.A. Jessica R. Kunen, Chief A.D. Elizabeth Seale Cateforis, Asst. A.D.	Seward
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77,585	Alfred Martinez, Claimant, Appellee (Affiliated Attorneys of Pistotnik Law Office, P.A., Claimant's Former Attorney), Appellant, v. Hyplains Beef, L.P., Respondent, and Wausau Ins. Cos., Insurance Carrier.	John Shultz Randy S. Stalcup	Work Comp
77,217	State of Kansas, Appellee, v. Marvin L. Russell, Appellant.	Attorney General Jan Satterfield, Deputy C.A. Jessica R. Kunen, Chief A.D. Andrew L. Warren, Asst. A.D.	Butler
77,329	Kevin R. Giese, Appellant, v. 18th Judicial District, Sedgwick County, Appellee.	Kevin R. Giese, pro se Jon D. Graves	
77,382	State of Kansas, Appellee, v. Ervin L. Glasgow, Appellant.	Attorney General Frank E. Kohl, C.A. Jessica R. Kunen, Chief A.D. Rick Kittel, Asst. A.D.	Leavenworth
78,681	State of Kansas, Appellee, v. Willie Love, Appellant.	Attorney General Robert R. Johnson, Asst. C.A. Jessica R. Kunen, Chief A.D. Ryan Kipling Elliott, Asst. A.D.	Finney

Kansas Court of Appeals  
Wyandotte County Courthouse  
Division 17  
710 N. 7th, 3rd Floor  
Kansas City, Kansas

Before Rulon, P.J.; Elliott, J.; and Rogg, S.J.

Tuesday, October 7, 1997

10:00 a.m.

Case No.	Case Name	Attorneys	County
76,802	William Matthews, Appellant, v. State of Kansas, and Lonnie R. McCollum, Appellees.	Dennis L. Harris Kevin D. Case, Asst. A.G. John R. Dowell, Asst. A.G.	Wyandotte
76,456	Wayne Kivett and Debbie Surritte, Appellants, v. Kansas Department of Social and Rehabilitation Services, Gene Burns, and Johnnie Strong, Appellees.	Ruben J. Krisztal James F. Savage	Wyandotte

11:15 a.m.

77,092	State of Kansas, Appellee, v. George J. Mannings, Appellant.	Attorney General Kiann Caprice Dodd, Asst. D.A. Jessica R. Kunen, Chief A.D. Ryan Kipling Elliott, Asst. A.D.	Wyandotte
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1:30 p.m.

77,512	State of Kansas, Appellee, v. Aaron W. Wyant, Appellant.	Attorney General Sherri Price, Asst. D.A. Barry G. Albin	Wyandotte
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(continued)

76,171	James K. Jedynek, Appellee, v. H. Greg Kipnis, Appellant, and Senior Citizen's Information and Protection Services, Inc., Appellant, v. James Jedynek, Appellee.	Candis L. Young Lisa L. Patrick	Wyandotte
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2:45 p.m.

79,034	In the Matter of the Adoption of A.M.M. and A.N.M.	Martin W. Bauer Stephanie Mathews Austin K. Vincent	Douglas
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Wednesday, October 8, 1997

9:00 a.m.

Case No.	Case Name	Attorneys	County
77,242	Douglas P. Lytle, d/b/a Olympic Cabinet Co., Appellee, v. Dee Abraham, Appellant.	Brian G. Boos Fritz Edmunds, Jr. Octavio J. Viveros, Jr.	Wyandotte
76,796	State of Kansas, Appellee, v. James M. Jump, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D.	Johnson

10:15 a.m.

75,786	Thomas J. and Holly K. Despiegelaere, Appellees, v. Mark R. Killion, Appellant, and Marilyn G. Killion.	W. Joseph Hatley Steven B. Moore	Johnson
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## Summary Calendar—No Oral Argument

76,962	State of Kansas, Appellee, v. Charles R. Harris, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Reid T. Nelson, Asst. A.D.	Johnson
77,380	State of Kansas, Appellee, v. Theodis Daniels, Appellant.	Attorney General Sheryl L. Lidtke, Asst. D.A. Jessica R. Kunen, Chief A.D. Thomas Jacquinet, Special A.D.	Wyandotte
76,652	State of Kansas, Appellee, v. Terence M. Moroney, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. R. Bruce Kips	Johnson
77,369	In the Interest of E.K., d/o/b: 09/09/88.	Angela Habeebulah Charles D. Lawhorn David L. Polsley Barbara M. Weians Jennifer L. Clark, Asst. D.A.	Wyandotte
75,545	State of Kansas, Appellee, v. Stefan M. Richardson, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Steven R. Zinn, Deputy A.D.	Johnson
77,881	Conrad J. Braun, Appellant, v. Carla Stovall, Appellee.	Conrad J. Braun, pro se James W. Coder, Asst. A.G.	Johnson

Carol G. Green  
Clerk of the Appellate Courts

Doc. No. 019670



## State of Kansas

## Board of Emergency Medical Services

## Notice of Meeting

The Board of Emergency Medical Services will meet at 9 a.m. Friday, October 3, at the Pozez Education Center, Stormont-Vail Medical Center, 1500 S.W. 10th, Topeka. Agenda items include committee reports, action on K.A.R. 109-6-2, a report from the examination task force and discussion of 1998 initial training programs for I/Cs and training officers. The board also will hold a strategic planning session.

All meetings of the board are open to the public. For more information, contact the administrator at 109 S.W. 6th, Topeka, 66603, (785) 296-7296.

Bob McDanel  
Administrator

Doc. No. 019672

## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment has received and reviewed a municipal solid waste landfill permit modification from Decatur County. Decatur County has submitted new design drawings, a new operations plan and location restriction demonstrations, and filed a restrictive covenant for the existing landfill. KDHE is providing public notice of its intent to amend the county's current permit to incorporate the changes. Decatur County's modification will fulfill requirements of new federal and state regulations regarding small arid landfills, which become effective October 9, 1997. The facility (Permit #150) is located on a 41-acre parcel in the northwest quarter of the southwest quarter of Section 35 and the northwest quarter of the northwest quarter of the southwest quarter of Section 35, all in Township 2 South, Range 28 West. The site is approximately 5 miles east of the City of Oberlin on U.S. 36.

A copy of the administrative record, which includes the draft permit, permit application and all information regarding this permit action, is available for public review until Monday, October 27, during normal business hours, Monday through Friday, at the following locations:

Kansas Department of Health and Environment  
Permits Section  
Forbes Field, Building 740  
Topeka, 66620  
Contact: William N. Bicher  
(785) 296-1595

County Courthouse  
120 E. Hall  
Oberlin, 67749  
Contact: Marilyn Horn, County Clerk  
(785) 475-8102

Anyone wishing to comment on the amended permit should submit written statements postmarked not later

than October 27 to William N. Bicher (KDHE). After consideration of all comments received, the director of the Division of Environment will make a final permit decision. Notice of the decision will be given to the applicant, to all persons who submitted written comments, and to those who requested notice of the final permit decision.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019697

## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment has received a request by Stevens County to expand its current municipal solid waste landfill. KDHE is providing public notice of its intent to amend the county's current permit to incorporate the additional area. As a condition of the amended permit, the county is required to submit updated design, closure and operations plans; revise closure/post-closure cost estimates; file a restrictive covenant; and modify its environmental monitoring procedures. The facility (Permit #143) is located in the east half of the northwest quarter and is adding an additional 80 acres located south of Section 10, Township 33 South, Range 37 West. The site is approximately 1 mile north of the city of Hugoton, near the intersection of U.S. 24 and U.S. 56.

A copy of the administrative record, which includes the draft permit, permit application and all information regarding this permit action, is available for public review until Monday, October 27, during normal business hours, Monday through Friday, at the following locations:

Kansas Department of Health and Environment  
Permits Section  
Forbes Field, Building 740  
Topeka, 66620  
Contact: William N. Bicher  
(785) 296-1595

Stevens County Courthouse  
200 E. 6th St.  
Hugoton, 67951  
Contact: Opal Hall, Stevens County Clerk  
(316) 544-2541

Anyone wishing to comment on the amended permit should submit written statements postmarked not later than October 27 to William N. Bicher (KDHE). After consideration of all comments received, the director of the Division of Environment will make a final permit decision. Notice of the decision will be given to the applicant, to all persons who submitted written comments, and to those who requested notice of the final permit decision.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019692

## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed supplemental air quality operating permit. Enron Transportation and Storage has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 *et seq.* The purpose of this supplemental Class I permit is to identify the applicable requirements of 40 CFR 60, Subpart Kb (Standards of Performance for Volatile Organic Liquid Storage Vessels) for this source. This supplemental permit will become an attachment to the general operating permit authorization and become part of the Class I operating permit for the source. The authorization and attachment will be issued simultaneously following the public participation period.

Enron Transportation and Storage, Minneapolis, Minnesota, owns and operates the Burdett Compressor Station located at S4, T21S, R21W, in Hodgeman County, Kansas.

A copy of the proposed supplemental permit, permit application, all supporting documentation, and all information relied upon during the supplemental permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE southwest district office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed supplemental permit and supporting documentation, contact Michael Stewart, (785) 296-1994, at the KDHE central office, or Wayne Neese, (316) 225-0596, at the KDHE southwest district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed supplemental permit to Michael Stewart, KDHE, Bureau of Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business October 27.

A person may request a public hearing be conducted on the proposed supplemental permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business October 27 in order for the Secretary of Health and Environment to consider the request.

The United States Environmental Protection Agency has 45 days after receipt of the proposed Class I operating permit within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA within 60 days after the expiration of the 45-day review period to make such objection. Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period.

A copy of the supplemental Class I operating permit and application is being submitted to the EPA simultaneously with publication of this notice. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 726 Minnesota Ave., Kansas City, KS 66101, (913) 551-7097, to determine when the 60-day petition period commences.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019676

## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Phillips Pipe Line Company has applied for an air quality construction permit, in accordance with the provisions of K.A.R. 28-19-300, to install and operate a new petroleum liquid truck loading rack at its existing Kansas City, Kansas, facility. Emissions of volatile organic compounds, oxides of nitrogen, carbon monoxide and hazardous air pollutants were evaluated during the permit review process.

Phillips Pipeline Company, Bartlesville, Oklahoma, owns and operates the stationary source located at 2029 Fairfax Trafficway, Kansas City, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the Wyandotte County Health Department, Department of Air Quality, 619 Ann Ave., Kansas City. To obtain or review the proposed permit and supporting documentation, contact Michael E. Lewis, (913) 573-6700, at the Wyandotte County Health Department, or Connie Carreno, (785) 296-6422, at the KDHE. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael E. Lewis, Wyandotte County Health Department, Department of Air Quality, 619 Ann Ave., Kansas City, KS 66101. Written comments must be received by the close of business October 27 in order to be considered in formulating a final permit decision.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620, not later than the close of business October 27 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019678

## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment has received and reviewed a request to expand the Clark County municipal solid waste landfill, located in Section 11 in Township 33S, Range 23W, southwest of Ashland. The landfill's current area is 20 acres, and the proposed expansion would add a 20-acre tract to the north of the existing landfill. KDHE is providing public notice of its intent to issue an amended municipal solid waste landfill permit to Clark County that increases the permitted area. As a condition of the amended permit, the county is required to submit updated design and closure plans, an operations plan and revised closure and post-closure cost estimates, and modify environmental monitoring procedures. Once this information is submitted and approved, the requirements of new state and federal regulations for small arid landfills, which become effective October 9, 1997, will be fulfilled.

A copy of the administrative record, which includes the draft permit and all information regarding this permit action, is available for public review until Monday, October 27, during normal business hours, Monday through Friday, at the following locations:

Kansas Department of Health and Environment  
Permits Section

Bureau of Waste Management  
Forbes Field, Building 740  
Topeka, 66620  
Contact: Phil Rosewicz  
(785) 296-1594

Clark County Courthouse  
913 Highland  
P.O. Box 886  
Ashland, 67831  
Contact: Rebecca Mishler, County Clerk  
(316) 635-2813

Anyone wishing to comment on the draft permit information should submit written statements postmarked not later than October 27 to Phil Rosewicz (KDHE). After consideration of all comments received, the director of the Division of Environment will make a final decision on whether to issue the amended permit. Notice of the decision will be given to the applicant, to anyone who submitted written comments during the comment period, and to those who requested notice of the final permit decision.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019691

## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment has received a request by Wichita County to expand its current municipal solid waste landfill. KDHE is providing public notice of its intent to amend the county's current permit to incorporate the additional area. As a condition of the amended permit, the county is required to submit updated design, closure and operations plans; revise closure/post-closure cost estimates; file a restrictive covenant; and modify its environmental monitoring procedures. The facility (Permit #251) is located in the southwest quarter of Section 30, Township 18 South, Range 18 West, and is adding an additional 26.58 acres. The area includes 18.18 acres located immediately to the north of the existing county landfill in the southeast quarter of the southwest quarter of Section 30, Township 18 South, Range 36 West, and 8.4 acres located immediately to the east in the southeast quarter of Section 30, Township 18 South, Range 36 West. The site is approximately 1½ miles south of the City of Leoti, and ¾ mile east of U.S. 25.

A copy of the administrative record, which includes the draft permit, permit application and all information regarding this permit action, is available for public review until Monday, October 27, during normal business hours, Monday through Friday, at the following locations:

Kansas Department of Health and Environment  
Permits Section

Forbes Field, Building 740  
Topeka, 66620  
Contact: William N. Bicher  
(785) 296-1595

Wichita County Courthouse  
206 S. 4th St.  
Leoti, 67861  
Contact: Karla Ridder, Wichita County Clerk  
(316) 375-2731

Anyone wishing to comment on the amended permit should submit written statements postmarked not later than October 27 to William N. Bicher (KDHE). After consideration of all comments received, the director of the Division of Environment will make a final permit decision. Notice of the decision will be given to the applicant, to all persons who submitted written comments, and to those who requested notice of the final permit decision.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019693

## State of Kansas

Department of Health  
and Environment

## Public Notice

The Board of Directors of the Kansas Development Finance Authority adopted a resolution September 15, 1997, authorizing the issuance of its Kansas Public Water Supply Revolving Loan Fund Revenue Bonds on behalf of the Kansas Department of Health and Environment, pursuant to the provisions of K.S.A. 74-8901 *et seq.* and K.S.A. 1996 Supp. 65-163d *et seq.*, as amended by L. 1997, Ch. 188, to finance the operation of the Kansas Public Water Supply Loan Fund (the revolving fund). Proceeds of the bonds and other moneys in the revolving fund will be utilized, in part, to fund loans to Kansas municipalities in order to finance public water supply system projects. The principal amount of the bonds shall initially be issued in a series in an approximate amount of \$45 million. Subsequent series of bonds may be issued to further the purpose of the revolving fund without limit as to amount, subject to certain restrictions set forth in a master bond resolution to be adopted by the Authority. The bonds will not be general obligations of the Authority, KDHE or the State of Kansas, but shall be payable only from moneys in the revolving fund.

Unless an action to contest the legality of the bonds is filed in a court of law within 30 days from the date of such publication, the right to contest the legality of the bonds and action taken by the Secretary of Health and Environment relating thereto shall cease to exist, and no court shall thereafter have authority to inquire into such matters.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019679

## State of Kansas

## Department of Transportation

## Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the projects listed below. Responses must be received by 5 p.m. October 3 for the consulting engineering firm to be considered. Seven signed copies of the response should be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Room 1084-West, Docking State Office Building, 915 S.W. Harrison, 66612-1568. Responses shall be limited to four pages.

From the firms expressing interest, the Consultant Selection Committee will select a list of the most highly qualified (not less than three, not more than five) and invite them to attend an individual interview conference. At this time, the consulting firms can more thoroughly discuss their experience related to the type of project at hand and will be expected to discuss, in some detail, their approach to the project and the personnel to be assigned to the project. Firms not selected to be short listed will be notified by letter.

The Consultant Negotiating Committee, appointed by the Secretary of Transportation, will conduct discussions with the firms invited to the individual interview conferences. The committee will select the firm to perform the professional services required for completing the advertised project. After the selection of this firm, the remaining firms will be notified by letter of the outcome.

## Project No. 15-14 K-6781-01

## Clay County

The scope of services is to provide for the replacement of Otter Creek Bridge (015), 6.5 km north of the junction of K-82. The construction estimate is \$1,047,000.

## Project No. 57-19 K-6783-01

## Crawford County

The scope of services is to provide for the replacement of sideroad bridge (026) over First Cow Creek and the First Cow Creek Bridge (027), 9.0 km east of K-7. The construction estimate is \$1,196,000.

## Project No. 54-37 K-6658-01

## Greenwood County

The scope of services is to provide for the replacement of the Verdigris River Bridge (009), 0.45 km west of the Greenwood-Woodson county line. The estimated construction cost is \$3,031,000.

## Project No. 99-37 K-6784-01

## Greenwood County

The scope of services is to provide for the replacement of the Homer Creek Bridge (034), 5.6 km north of the east junction of US-54. The estimated construction cost is \$723,000.

## Project No. 196-40 K-6786-01

## Harvey County

The scope of services is to provide for the replacement of the Wildcat Creek Bridge (067) and Gypsum Creek Bridge (068), 8.5 km and 11.9 km east of I-135. The construction estimate is \$1,447,000.

## Project No. 156-42 K-6830-01

## Hodgeman County

The scope of services is to provide for the replacement of the Buckner Creek Bridge (015) and Buckner Creek Drainage Bridge (016), 7.7 km and 5.7 km west of the Hodgeman-Pawnee county line. The construction estimate is \$2,106,000.

## Project No. 50-56 K-6829-01

## Lyon County

The scope of services is to provide for the replacement of Bridge (027) over the ATSF Railroad and local streets, 1.5 km east of K-99 in Emporia. The construction estimate is \$1,486,000.

## Project No. 56-70 K-2037-01

## Osage County

The scope of services is to provide for the replacement of Bridge (026) over the abandoned MoPac Railroad, 9.2 km east of US-75. The construction estimate is \$483,000.

**Project No. 70-91 M-1875-01**

**Sherman County**

**Project No. 50-35 M-1876-01**

**Gray County**

The scope of services is to provide a new water system for Safety Rest Areas No. 3-2515 and 3-2516, west of Rulleton, and for Safety Rest Area 6-3502, west of Ingalls. The construction estimate is \$600,000.

**Project No. 106 K-6875-01**

**Shawnee, Douglas, Jefferson, Leavenworth,  
Wyandotte & Johnson Counties**

**Major Corridor Study from Topeka to Kansas City**

Traffic and population are growing rapidly in the Topeka to Kansas City corridor and there is a need for long-range planning. Several sections of both US-24 and US-40 have been identified for improvement by KDOT's prioritization process, and the Kansas Turnpike Authority (KTA) also has identified the corridor as one in need of analysis for future capacity improvements. With the large investment any highway capacity improvements would require, a major corridor study needs to be undertaken in order to identify the most beneficial expenditure of funds to add capacity to the corridor. The purpose of the study is to analyze the corridor and make recommendations as to where resources should be invested to best address transportation needs in the area.

The study will review the operational characteristics and deficiencies of all major routes within the corridor. The report should describe both current and forecasted travel demand, travel patterns, and controlling features involved in providing capacity improvements within the corridor. Recommendations for possible improvements using Transportation System Management (TSM) and Intelligent Transportation System (ITS) strategies also may be included.

Potential social, environmental and right-of-way issues should be identified and analyzed along with comparative project costs. Critical design issues for improvements along with general estimates for construction, right-of-way and utility adjustments should be investigated and summarized. Long-range planning and corridor preservation issues also should be addressed. Innovative finance issues should be explored, including the role that tolls might play in any corridor improvements.

In addition to public involvement efforts, this study will require extensive coordination with the KTA, local city and county governments, and metropolitan planning organizations. Value engineering techniques also may be used.

It is KDOT's policy to use the following criteria as the basis for selection of the consulting engineering firms:

1. Size and professional qualifications;
2. experience of staff;
3. location of firm with respect to proposed project;
4. work load of firm; and
5. firm's performance record.

E. Dean Carlson  
Secretary of Transportation

**State of Kansas**

**Department of Health  
and Environment**

**Notice Concerning Kansas  
Water Pollution Control Permits**

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for discharges to the waters of the United States and the State of Kansas for the class of dischargers described below. The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization subject to certain conditions.

**Public Notice No. KS-AG-97-221/225**

Name and Address of Applicant	Legal Description	Receiving Water
G & H Pork Route 1, Box 170 Marion, KS 66861	SW/4 of Section 19, T8S, R41W, Sherman County	South fork, Beaver Creek

Kansas Permit No. A-URSH-S001

This is an existing facility for 750 head (300 animal units) of swine.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Hoxie Feedlot P.O. Box 11 Bucyrus, KS 66013	N/2 and SW/4 of Sec. 33 & 28, T7S, R29W, Sheridan County	South Bow Creek

Kansas Permit No. A-SOSD-C002

Federal Permit No. KS-00117897

This is an expansion of an existing facility for 28,000 head (28,000 animal units) of cattle.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** 1) The waste management plan for the facility developed by Muetting Engineering and approved by this department shall be adhered to as a condition of this permit. The plan covers the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. 2) Additional dewatering equipment shall be obtained within 60 days of the issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 2,814 gpm. Written verification of the acquisition of the pumping equipment shall be submitted to this department. 3) Additional disposal land for liquid manure waste accumulations shall be obtained by purchase or mutual agreement within 60 days of the issuance of this permit. A total of 1,300 acres of cropland or grassland shall be made available. Written verification shall be submitted to this department. 4) Permeability test for both retention structures in the east and northeast section are required to be conducted before pens are utilized and feedlot runoff enters these

(continued)

structures. The retention structures are required one-quarter of an inch or less on the permeability test in accordance with the department's design standards.

Name and Address of Applicant	Legal Description	Receiving Water
John and Kenna Hutto 6663 S.E. Messer Road Galena, KS 66739	SE/4 of Section 19, T33S, R25E, Cherokee County	Neosho River

Kansas Permit No. A-NECK-S006

This is an existing facility that is expanding from 700 head (280 animal units) of swine to 1,500 head (600 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Rich Brothers Farms c/o Randy Rich Route 1, Box 115 Uniontown, KS 66779	NW/4 of Section 5, T26S, R22E, Bourbon County	Marmaton River

Kansas Permit No. A-MCBB-S006

This is an existing facility for 600 head (240 animal units) of swine that is expanding to 2,100 head (840 animal units).

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Walker Dairy c/o Randy Walker Route 1, Box 24 Thayer, KS 66776	NE/4 of Section 21, T29S, R17E, Wilson County	Verdigris River

Kansas Permit No. A-VEWL-M004

This is the renewal of a permit for an existing facility with a maximum capacity of 100 head (140 animal units) of dairy cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Existing controls meet KDHE requirements.

Written comments on the draft permits must be submitted to the attention of Dorothy Geisler for agricultural permits or to the permit clerk for all other permits, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620.

All comments postmarked or received on or before October 25 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-97-221/225) and the name of applicant as listed when preparing comments.

If no objections are received during the public notice period, the Secretary of Health and Environment will issue the final determination. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing

is handled by the Kansas Department of Health and Environment.

The applications, proposed permits, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 283, Forbes Field, Topeka, from 8 a.m. to 5 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019680

## State of Kansas

### Department of Transportation

#### Notice of Public Auction

The Kansas Secretary of Transportation will offer for sale at public auction at 10 a.m. October 30 at site the following tract of land located in the NE quadrant of I-35 and I-435 at 105th and Pflumm Road, City of Lenexa, Johnson County, Kansas, described as follows:

18 gross acres that include 4.82 acres of pipeline easement bordering along westerly edge of tract. Developable land is 13.23 acres in parts of the Southeast Quarter of Section 4, Township 13 South, Range 24 East and the Northeast Quarter of Section 9, Township 13 South, Range 24 East. (A complete legal description is available upon request.)

The Kansas Department of Transportation ensures the acceptance of any bid pursuant to this notice will be without discrimination on the grounds of sex, race, color, religion, physical handicap or national origin.

#### Terms of the Sale:

Certified check or cashier's check for 10 percent of the purchase price on the day of the sale. The balance of the purchase price will be paid by certified check or cashier's check on or before December 1, 1997, payable to the "Kansas Department of Transportation." The successful bidder will receive a bill of sale on the day of sale and a warranty deed when the balance is paid. All specials have been paid. The seller will provide title insurance. If the balance of the purchase price is not paid on or before December 1, 1997, the 10 percent down payment will be forfeited to the seller. A minimum acceptable bid has been established.

In the event of inclement weather, the auction will be held at 10:30 a.m. in the Olathe KDOT office, 1290 S. Enterprise, Olathe (map available upon request).

The seller reserves the right to reject any and all bids, and is not responsible for accidents. For additional information, contact Fred Terry or Joseph Krahn, Bureau of Right of Way, (785) 296-3501.

E. Dean Carlson  
Secretary of Transportation

Doc. No. 019682



## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed supplemental air quality operating permit. Enron Transportation and Storage has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 *et seq.* The purpose of this supplemental Class I permit is to identify the applicable requirements of 40 CFR 60, Subpart Kb (Standards of Performance for Volatile Organic Liquid Storage Vessels) for this source. This supplemental permit will become an attachment to the general operating permit authorization and become part of the Class I operating permit for the source. The authorization and attachment will be issued simultaneously following the public participation period.

Enron Transportation and Storage, Minneapolis, Minnesota, owns and operates the Bushton Compressor Station located at 777 Avenue Y, Bushton, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the supplemental permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE north central office, 2501 Market Place, Salina. To obtain or review the proposed supplemental permit and supporting documentation, contact Michael Stewart, (785) 296-1994, at the KDHE central office, or Beth Rowlands, (785) 827-9639, at the KDHE north central district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed supplemental permit to Michael Stewart, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business October 27.

A person may request a public hearing be conducted on the proposed supplemental permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business October 27 in order for the Secretary of Health and Environment to consider the request.

The United States Environmental Protection Agency has 45 days after receipt of the proposed Class I operating permit within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA within 60 days after the expiration of the 45-day review period to make such objection. Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period.

A copy of the supplemental Class I operating permit and application is being submitted to the EPA simultaneously with publication of this notice. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 726 Minnesota Ave., Kansas City, KS 66101, (913) 551-7097, to determine when the 60-day petition period commences.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019677

(Published in the Kansas Register September 25, 1997.)

### Summary Notice of Bond Sale \$2,260,000

#### City of Andover, Kansas General Obligation Internal Improvement Bonds (General obligation bonds payable from unlimited ad valorem taxes)

#### Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale dated September 9, 1997, of the City of Andover, Kansas, in connection with the city's General Obligation Internal Improvement Bonds, Series A, 1997, hereinafter described, sealed, written bids shall be received at the office of the city administrator at City Hall, 909 N. Andover Road, Andover, KS 67007, until 4 p.m. Tuesday, October 14, 1997, for the purchase of the bonds. All bids shall be publicly opened, read aloud and tabulated by city staff on said date and at said time, and shall thereafter be considered and acted upon by the governing body of the city at its regular meeting at 7 p.m. on said date.

No oral or auction bids for the bonds shall be considered, and no bids for less than the entire amount of the bonds shall be considered.

Bids shall be accepted only on the official bid form that has been prepared for the public bidding on these bonds, which may be obtained from the city or from the city's financial advisor. Bids may be submitted by mail or may be delivered in person, and must be received at the place and not later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, or in the form of a financial surety bond payable to the order of the city and meeting requirements therefor as set forth in the official notice of bond sale, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

#### Details of the Bonds

The bonds to be sold will be in an aggregate principal amount of \$2,260,000. The bonds shall be issued as fully registered bonds in the denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount of bonds maturing on the respective principal payment dates. The bonds shall bear a dated date of October 15, 1997. The bonds shall bear interest, payable as  
(continued)

hereinafter set forth, at the rates specified by the successful bidder for the bonds.

Interest on the bonds shall be payable semiannually on April 1 and October 1 in each year, commencing April 1, 1999, and the bonds shall mature serially on October 1 in each of the years and principal amounts as follows:

Principal Amount	Year of Maturity
\$110,000	2000
120,000	2001
125,000	2002
130,000	2003
140,000	2004
145,000	2005
155,000	2006
160,000	2007
170,000	2008
180,000	2009
190,000	2010
200,000	2011
210,000	2012
225,000	2013

#### Redemption of Bonds

Certain of the bonds are subject to optional redemption prior to their maturities as set forth in the official notice of bond sale. Additionally, a bidder may elect to have all or a portion of the bonds shown in the above maturity schedule issued as term bonds, which would be subject to mandatory redemption requirements. (Reference is made to the official notice of bond sale for complete details regarding redemption of the bonds.)

#### Payment of Principal and Interest

The Kansas State Treasurer shall serve as the bond registrar and paying agent for the bonds, and the principal of the bonds shall be payable upon surrender at the paying agent's principal offices in the City of Topeka, Kansas. Interest shall be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

#### Security for the Bonds

The bonds and the interest thereon shall constitute general obligations of the city, and the full faith, credit and resources of the city shall be pledged to the payment thereof. The city is obligated to levy ad valorem taxes without without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city for the purpose of paying the bonds and the interest thereon. (Reference is made to the official notice of bond sale and the preliminary official statement for a further discussion of security for the bonds.)

#### Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the city to the successful bidder, or at its direction, on or about Thursday, November 6, 1997. (Reference is made to the official notice of bond sale for full details regarding delivery of the bonds.)

#### Legal Opinion

The bonds will be sold subject to the legal opinion of Hinkle, Eberhart & Elkouri, L.L.C., Wichita, Kansas, bond counsel, whose fees will be paid by the city. Bond counsel's approving legal opinion as to the validity of the bonds will be printed on the bonds and will be delivered

to the successful bidder upon delivery of the bonds. (Reference is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

#### Financial Matters

The city's equalized assessed tangible valuation for computation of bonded debt limitations for calendar year 1997 is \$34,828,586. On October 15, 1997, the city's outstanding bonded indebtedness, including the bonds described herein, will be \$10,435,000. This amount does not include \$2,153,000 of outstanding temporary notes which the city will pay and redeem upon issuance of the bonds described herein, but does include \$2,881,000 of temporary note indebtedness which will remain outstanding upon issuance of the bonds. The city expects to issue approximately \$1,500,000 of additional temporary note indebtedness within 30 days from the date of issuance of the bonds.

#### Official Statement

The city has prepared a preliminary official statement relating to the bonds, copies of which may be obtained from the city or city's financial advisor. The preliminary official statement is in a form "deemed final" by the city for the purpose of the Securities and Exchange Commission Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. Upon the sale of the bonds, the city shall furnish the successful bidder with a reasonable number of copies of the final official statement, without additional cost, upon request. Copies of the final official statement in excess of a reasonable number may be ordered at the successful bidder's expense.

#### Continuing Disclosure

The city will adopt a resolution establishing an undertaking to provide ongoing disclosure concerning the city in connection with and for the benefit of owners of the bonds, pursuant to Section (b)(5)(i) of the Securities and Exchange Commission Rule 15c2-12. A copy of the resolution is included as an appendix to the preliminary official statement. A certified copy of the resolution will be delivered to the successful bidder at or prior to delivery of the bonds.

#### Additional Information

For additional information regarding the city, the bonds and the sale, interested parties are invited to request copies of the complete official notice of bond sale and official bid form and the city's preliminary official statement for the bonds, all of which may be obtained from the undersigned or from the city's financial advisor, J. O. Davidson & Associates, Inc., 245 N. Waco, Suite 525, Wichita, KS 67202, (316) 265-9411, Attention: Jerry D. Rayl.

Jeffrey K. Bridges, Jr.  
Clerk/Administrator, City Hall  
909 N. Andover Road  
P.O. Box 295  
Andover, KS 67007  
(316) 733-1303

Doc. No. 019683

## State of Kansas

## State Conservation Commission

## Notice of Meeting

The State Conservation Commission will meet at 9 a.m. Monday, October 6, at the State Conservation Commission Office, Conference Room 500, 109 S.W. 9th, Topeka. A copy of the agenda may be obtained by contacting Lila Niehoff, (785) 296-3600. If special accommodations are needed, please contact the agency three days in advance of the meeting date.

Tracy D. Streeter  
Executive Director

Doc. No. 019685

(Published in the Kansas Register September 25, 1997.)

## Summary Notice of Bond Sale

\$160,990

City of Hillsboro, Kansas

General Obligation Internal Improvement Bonds

(General obligation bonds payable from  
unlimited ad valorem taxes)

## Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale dated September 16, 1997, of the City of Hillsboro, Kansas, in connection with the city's General Obligation Internal Improvement Bonds, Series A, 1997, hereinafter described, sealed, written bids shall be received at the office of the city clerk at City Hall, 118 E. Grand, Hillsboro, KS 67063, until 4 p.m. Tuesday, October 7, 1997, for the purchase of the bonds. All bids shall be publicly opened, read aloud and tabulated by city staff on said date and at said time, and shall thereafter be considered and acted upon by the governing body of the city at its regular meeting at 6 p.m. on said date.

No oral or auction bids for the bonds shall be considered, and no bids for less than the entire amount of the bonds shall be considered.

Bids shall be accepted only on the official bid form that has been prepared for the public bidding on these bonds, which may be obtained from the city or from the city's financial advisor. Bids may be submitted by mail or may be delivered in person, and must be received at the place and not later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, or in the form of a financial surety bond payable to the order of the city and meeting requirements therefor as set forth in the official notice of bond sale, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

## Details of the Bonds

The bonds to be sold will be in an aggregate principal amount of \$160,990. The bonds shall be issued as fully registered bonds in the denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount of bonds maturing on the respective principal payment dates, except that one bond maturing in the in-

ital year of maturity shall be in the denomination of \$5,990. The bonds shall bear a dated date of October 15, 1997. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds.

Interest on the bonds shall be payable semiannually on April 1 and October 1 in each year, commencing April 1, 1999, and the bonds shall mature serially on October 1 in each of the years and principal amounts as follows:

Principal Amount	Year of Maturity
\$10,990	2000
10,000	2001
10,000	2002
10,000	2003
10,000	2004
10,000	2005
10,000	2006
10,000	2007
10,000	2008
10,000	2009
15,000	2010
15,000	2011
15,000	2012
15,000	2013

## Redemption of Bonds

Certain of the bonds are subject to optional redemption prior to their maturities as set forth in the official notice of bond sale.

## Payment of Principal and Interest

The Kansas State Treasurer shall serve as the bond registrar and paying agent for the bonds, and the principal of the bonds shall be payable upon surrender at the paying agent's principal offices in the City of Topeka, Kansas. Interest shall be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

## Security for the Bonds

The bonds and the interest thereon shall constitute general obligations of the city, and the full faith, credit and resources of the city shall be pledged to the payment thereof. The city is obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city for the purpose of paying the bonds and the interest thereon. (Reference is made to the official notice of bond sale and the preliminary official statement for a further discussion of security for the bonds.)

## Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the city to the successful bidder, or at its direction, on or about Thursday, October 30, 1997. (Reference is made to the official notice of bond sale for full details regarding delivery of the bonds.)

## Legal Opinion

The bonds will be sold subject to the legal opinion of Hinkle, Eberhart & Elkouri, L.L.C., Wichita, Kansas, bond counsel, whose fees will be paid by the city. Bond counsel's approving legal opinion as to the validity of the

(continued)

bonds will be printed on the bonds and will be delivered to the successful bidder upon delivery of the bonds. (Reference is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

#### Financial Matters

The city's equalized assessed tangible valuation for computation of bonded debt limitations for calendar year 1997 is \$11,409,863. On October 15, 1997, the city's outstanding bonded indebtedness, including the bonds described herein, will be \$3,965,990. This amount does not include \$165,000 of outstanding temporary notes which the city will pay and redeem upon issuance of the bonds described herein.

#### Official Statement

The city has prepared a preliminary official statement relating to the bonds, copies of which may be obtained from the city or the city's financial advisor. The preliminary official statement is in a form "deemed final" by the city for the purpose of the Securities and Exchange Commission Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. Upon the sale of the bonds, the city shall furnish the successful bidder with a reasonable number of copies of the final official statement, without additional cost, upon request. Copies of the final official statement in excess of a reasonable number may be ordered at the successful bidder's expense.

#### Continuing Disclosure

The Securities and Exchange Commission Rule 15c2-12, as amended effective July 3, 1995, provides that brokers, dealers and municipal securities dealers must comply with certain requirements before acting as an underwriter in a primary offering of municipal securities with an aggregate principal amount of \$1,000,000 or more.

The bonds described herein will be offered in a primary offering with an aggregate principal amount of less than \$1,000,000. Accordingly, in the opinion of bond counsel, the offering and sale of the bonds described herein does not constitute an offering as defined by the rule, and the requirements of the rule do not apply to brokers, dealers and municipal securities dealers acting as underwriters in connection with the bonds described herein.

#### Additional Information

For additional information regarding the city, the bonds and the sale, interested parties are invited to request copies of the complete official notice of bond sale and official bid form and the city's preliminary official statement for the bonds, all of which may be obtained from the undersigned or from the city's financial advisor, J. O. Davidson & Associates, Inc., 245 N. Waco, Suite 525, Wichita, KS 67202, (316) 265-9411, Attention: Jerry D. Rayl.

Janice K. Meisinger  
City Clerk, City Hall  
118 E. Grand  
P. O. Box N  
Hillsboro, KS 67063  
(316) 947-3161

(Published in the Kansas Register September 25, 1997.)

#### Summary Notice of Bond Sale

**\$5,000,000**

**Unified School District No. 262**

**Sedgwick County, Kansas (Valley Center)**

**General Obligation School Building Bonds  
Series 1997**

**(General obligation bonds payable from  
unlimited ad valorem taxes)**

#### Sealed Bids

Subject to the notice of bond sale dated September 18, 1997, sealed bids will be received by the clerk of Unified School District No. 262, Sedgwick County, Kansas (Valley Center) (the issuer), on behalf of the governing body at the office of the Board of Education, 132 S. Park, Valley Center, KS 67147, until 11:30 a.m. October 7, 1997, for the purchase of \$5,000,000 principal amount of General Obligation School Building Bonds, Series 1997. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

#### Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated October 1, 1997, and will become due on November 1 in the years as follows:

Year	Principal Amount
2000	\$115,000
2001	130,000
2002	145,000
2003	160,000
2004	180,000
2005	195,000
2006	215,000
2007	230,000
2008	255,000
2009	270,000
2010	295,000
2011	320,000
2012	345,000
2013	370,000
2014	400,000
2015	425,000
2016	455,000
2017	495,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning May 1, 1999.

#### Optional Book-Entry-Only System

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through DTC.

#### Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

#### Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a

bank located in the United States or a qualified financial surety bond in the amount of \$100,000 (2 percent of the principal amount of the bonds).

#### Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before October 28, 1997, at DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder.

#### Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1997 is \$59,635,905. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$12,817,488.76.

#### Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

#### Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 755-7100, or from the financial advisor, Fahnestock & Co. Inc., Topeka, Kansas, Attention: John McArthur, (785) 235-9289.

Dated September 18, 1997.

Unified School District No. 262  
Sedgwick County, Kansas  
(Valley Center)

Doc. No. 019698

#### State of Kansas

### Department of Administration Division of Purchases

#### Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

**Monday, October 6, 1997**

**32216**

Department of Social and Rehabilitation Services,  
Kansas Industries for the Blind—Laser printer cartridge components

**32693**

Wichita State University—Elevator maintenance,  
Wichita

**32701**

Kansas Correctional Industries—Dispersant and surfactant

**32702**

Department of Wildlife and Parks—Heavy equipment dirt work (Glen Elder)

**32703**

Kansas Correctional Industries—Nitration grade xylene

**32704**

Department of Wildlife and Parks—Heavy equipment dirt work (Lovewell)

**32705**

Kansas Correctional Industries—Pigments for paint factory

**32723**

University of Kansas—Graphic arts film, chemistry and processor

**32724**

Department of Human Resources—Maintenance service for an inserting system

**32733**

Adjutant General's Department—Janitorial services

**6641**

Osawatomie State Hospital—Panic hardware

**6642**

Norton Correctional Facility—Blocks, cement, rebar and wire

**6643**

El Dorado Correctional Facility—Furnish and install sports carpeting

**6644**

Kansas State University—Furnish and install rooftop A/C units

**6647**

Kansas State University—Athletic field maintainer

**Tuesday, October 7, 1997**

**32665**

Department of Social and Rehabilitation Services—Janitorial services, Fort Scott

**32666**

Department of Social and Rehabilitation Services—Janitorial service, Coffeyville

**32706**

Wichita State University—Floor care products

**32716**

University of Kansas Medical Center—Neurosurgical pressure monitoring kits

**32727**

Statewide—Facsimile equipment, supplies and thermal paper

**6633**

Wichita Work Release Facility—Furnish and install water heater and pump

**6639**

Department of Transportation—Insulated shelf oven, Chanute

**6650**

University of Kansas—Paper, printing and binding: "1998 Spring Catalog"

**Wednesday, October 8, 1997**

**32717**

Statewide—Graduated compression stockings

(continued)

32732

Kansas Lottery—In-counter instant lottery ticket dispenser

6621

Kansas Correctional Industries—High viscosity paint material mixers

6622

Kansas State University—Spray paint booth

6623

Department of Administration, Division of Information Systems and Communications—Functionality replacement software for Compuware's File Aid

6640

Department of Corrections—Polycarbonate dinnerware, insulated servers and stainless steel tableware, various locations

Thursday, October 9, 1997

6632

Kansas State University—China

6636

Kansas State University—LINUX computer server

Friday, October 10, 1997

6648

Department of Transportation—Aggregate (Hutchinson)

6649

Department of Transportation—Aggregate (District 2)

Tuesday, October 14, 1997

A-8197

Parsons State Hospital—Egress modification to the media center

Tuesday, October 28, 1997

32661

Various state agencies—Boiler insurance

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### Request for Proposals

Friday, October 10, 1997

6624

Concrete outlet works renovation for the Department of Wildlife and Parks, Sheridan State Fishing Lake

Thursday, October 16, 1997

32722

Lake resort feasibility study for the Department of Wildlife and Parks

32728

Monitoring of low income tax credit properties for the Department of Commerce and Housing

Friday, October 17, 1997

32652

Physically disabled 1915C Waiver Program evaluation for the Department of Social and Rehabilitation Services

32698

Emporia Area SRS Office for the Department of Social and Rehabilitation Services

John T. Houlihan  
Director of Purchases

Doc. No. 019694

## State of Kansas

## Department of Transportation

### Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, KDOT, Topeka, or at the Clarion Hotel, Wichita, until 2 p.m. October 15, and then publicly opened:

### District One—Northeast

**Johnson**—35-46 N-0069-01—In Merriam: Antioch Road at the I-35 and Burlington Northern Railroad; 0.5 mile (0.8 kilometer), grading, bridge and surfacing. (Federal Funds)

**Marshall**—58 C-3080-01—County road 1 mile (1.6 kilometers) west and 2.5 miles (4 kilometers) north of Waterville, 0.09 mile (0.16 kilometer), grading and bridge. (Federal Funds)

**Marshall-Washington**—106 K-6717-01—K-9, from the Washington-Marshall county line, east to the west junction of U.S. 77; K-9 from the south junction of K-15, north and east to the Washington-Marshall county line; K-119, from the junction of K-9, north to the south city limits of Greenleaf; K-15, from the K-9/K-148 junction, north to the east junction of U.S. 36, 36.4 miles (58.6 kilometers), overlay. (State Funds)

**Wyandotte**—32-105 K-5497-01—Intersection of K-32 and 55th Street in Kansas City, 0.12 mile (0.2 kilometer), intersection improvement. (State Funds)

### District Two—North Central

**Clay**—14 C-3127-01—County road, 0.5 mile (0.8 kilometer) west of Clay Center, 0.2 mile (0.3 kilometer), grading, bridge and surfacing. (Federal Funds)

**Clay**—24-14 K-6850-01—U.S. 24, from the east city limits of Clay Center, east to the Clay-Riley county line, 8.1 miles (13 kilometers), sealing. (State Funds)

**Clay-Washington**—9-106 K-6718-01—K-9, from the Washington-Clay county line, east to the south junction of K-15; K-9, from the east city limits of Concordia, east to the Cloud-Washington county line; K-9, from the Cloud-Washington county line, east to the Washington-Clay county line, 28.7 miles (46.2 kilometers), overlay. (State Funds)

**Cloud**—15 K-6719-01—U.S. 24, from the Mitchell-Cloud county line east to the junction of K-189; K-194, from the north city limits of Simpson, north to the junction of U.S. 24, 28.7 miles (46.2 kilometers), overlay. (State Funds)

**Ellsworth**—14-27 M-1872-01—K-14, KDOT mixing strip, 10 miles (16 kilometers) north and east of Ellsworth, stockpile bituminous material. (State Funds)

**Ellsworth**—156-27 M-1873-01—K-156, KDOT mixing strip, 1 mile (1.6 kilometers) south of Ellsworth, stockpile bituminous material. (State Funds)

**Ellsworth-Lincoln**—106 K-6720-01—K-14, from the junction of K-140, north to the Ellsworth-Lincoln county line; K-111, from the north city limits of Kanopolis, north to the U.S. 156 junction; K-14, from the Ellsworth-Lincoln



county line, north to the K-18 junction, 31.6 miles (50.8 kilometers), overlay. (State Funds)

**Jewell**—128-45 K-6849-01—K-128, from the junction of U.S. 36 north to the Kansas-Nebraska state line, 16 miles (25.6 kilometers), crack repair. (State Funds)

**Marion**—56-57 K-6859-01—U.S. 56, from the east junction of K-15, east to the junction of U.S. 77, 14 miles (22.5 kilometers), pavement patching. (State Funds)

**Marion**—50-57 K-6863-01—U.S. 50, Bridge 053, Cottonwood River 1.2 miles (1.9 Kilometers) east of U.S. 77, bridge repair. (State Funds)

**Mitchell**—24-62 K-6679-01—U.S. 24, 1.9 miles (3.1 kilometers) east of K-128, east to the junction of K-14, 10.5 miles (17 kilometers), overlay. (State Funds)

**Republic**—266-79-K6851-01—K-266, from the junction of U.S. 36 to the state park, 7.5 miles (12.1 kilometers), sealing. (State Funds)

**Saline**—85-C-3254-01—County road, 1.4 miles (2.3 kilometers) south of Smolan, then south 0.15 mile (0.24 kilometer), grading, bridge and surfacing. (Federal Funds)

**Washington**—9-101. M-1870-01—K-9, KDOT mixing strip, 0.5 mile (0.8 kilometer) west of Barnes, stockpile bituminous material. (State Funds)

**Washington**—36-101 M-1871-01—U.S. 36, KDOT mixing strip, 1.5 miles (2.4 kilometers) east of Washington, stockpile bituminous material. (State Funds)

#### District Three—Northwest

**Decatur**—82-20 K-6480-01—U.S. 83, from the U.S. 36 junction, north to the Kansas-Nebraska state line, 12.4 miles (20 kilometers), recycle and overlay. (State Funds)

**Norton**—69 K-6721-01—K-383, from the Decatur-Norton county line, east and north to U.S. 36; K-261, from the state park north to the U.S. 36 junction, 14.8 miles (23.8 kilometers), overlay. (State Funds)

**Rawlins**—25-77 K-6486-01—K-25, from the south city limits of Atwood, north 13.7 miles (22 kilometers), overlay. (State Funds)

**Sheridan**—23-90 - K-2180-01—K-23, from U.S. 24 north and west to U.S. 83/K-383, 18.8 miles (30.3 kilometers), overlay. (State Funds)

**Thomas**—97 K-6722-01—U.S. 24, north of I-70 north and east to the west city limits of Colby; U.S. 24, from the east city limits of Colby, east to U.S. 83; U.S. 83, from the junction of U.S. 24, north and northeast to the Thomas-Sheridan county line, 28.6 miles (46 kilometers), recycle and overlay. (State Funds)

#### District Four—Southeast

**Allen**—1 C-3410-01—County road 8.4 miles (13.5 kilometers) east and 5.5 miles (8.9 kilometers) south of Humboldt, 0.18 mile (0.3 kilometer), grading and bridge. (Federal Funds)

**Bourbon**—7-6 K-6131-01—K-7, from the Crawford-Bourbon county line, north to the west junction of K-39, 3.2 miles (5.1 kilometers), sealing. (State Funds)

**Bourbon**—54-6 K-6839-01—U.S. 54, from the Allen-Bourbon county line, east to the west city limits of Fort Scott, 21.3 miles (34.3 kilometers), crack repair. (State Funds)

**Crawford**—7-19 K-6132-01—K-7, from County Route 169, north to the Crawford-Bourbon county line, 5 miles (8 kilometers), sealing. (State Funds)

**Elk**—160-25 K-6842-01—U.S. 160, 0.7 mile (1.2 kilometers) west of the Elk-Montgomery county line, crack repair. (State Funds)

**Labette**—59-50 K-6841-01—U.S. 59, from the west junction of K-96, north to the south city limits of Parsons, 8.3 miles (13.4 kilometers), crack repair. (State Funds)

**Miami**—61 C-3512-01—County road 8.0 miles (12.9 kilometers) south and 4.4 miles (7.7 kilometers) west of Louisburg, 0.08 mile (0.14 kilometers), grading, bridge and surfacing. (Federal Funds)

**Miami**—69-61 K-6860-01—U.S. 69, from the end of the asphalt, north to the Miami-Johnson county line, 18.7 miles (30 kilometers), pavement patching. (State Funds)

**Montgomery**—160-63 K-6153-01—U.S. 160, from the Elk-Montgomery county line, east to the west junction of U.S. 75, 16.9 miles (27.2 kilometers), crack repair. (State Funds)

**Neosho**—169-67 K-5387-01—U.S. 169, from the Labette-Neosho county line, northeast to the south city limits of Thayer, 6.8 miles (10.9 kilometers), grading and bridge. (State Funds)

**Neosho**—59-67 K-6840-01—U.S. 59, from the junction of K-146, north to the west junction of K-39, 5.1 miles (8.2 kilometers), crack repair. (State Funds)

**District**—106 X-1985-01—Kansas Eastern Railroad in Wilson, Montgomery, Labette and Cherokee counties, signing. (Federal Funds)

#### District Five—South Central

**Barber-Comanche-Kiowa**—106 K-6724-01—U.S. 160, from the Comanche-Barber county line, east to the west junction of U.S. 281; U.S. 160, from the north city limits of Coldwater, east to the Comanche-Barber county line; U.S. 183, from the U.S. 160 junction, north to the Comanche-Kiowa county line; U.S. 183, from the Comanche-Kiowa county line, north to the U.S. 54 junction. 63.2 miles (101.7 kilometers), overlay. (State Funds)

**Barton**—56-5 K-6539-01—U.S. 56, from the east city limits of Great Bend, east to the west city limits of Ellinwood, 8 miles (13 kilometers), overlay. (State Funds)

**Butler**—54-8 K-6837-01—U.S. 54, from the Sedgwick-Butler county line, east to the west city limits of Augusta, 9 miles (14.4 kilometers), crack repair. (State Funds)

**Cowley**—18 C-3395-01—County road 3.0 miles (4.8 kilometers) east and 0.7 mile (1.1 kilometers) south of Wilmot, 0.09 mile (0.16 kilometer), grading, bridge and surfacing. (Federal Funds)

**Harvey**—196-40 K-6836-01—K-196, from the I-35 junction, east to the Harvey-Butler county line, 9.6 miles (15.4 kilometers), crack repair. (State Funds)

**Pawnee**—19-73 M-1869-01 K-19, KDOT mixing strip, 1.5 miles (2.5 kilometers) south of the K-19 spur junction, stockpile bituminous material. (State Funds)

**Pawnee-Stafford**—106 K-6723-01—K-19 from the K-19s junction, east to the Pawnee-Stafford county line; U.S.

(continued)

56, from Big Coon Creek, northeast to the south city limits of Larned; K-19, from the Pawnee-Stafford county line, east to the junction of U.S. 281; K-219, from the junction of K-19, to the south city limits of Seward, 31.2 miles (50.2 kilometers), overlay (State Funds)

**Reno**—78 C-2781-01—County road 8.0 miles (12.9 kilometers) west of Nickerson, then east, 0.13 mile (0.21 kilometer), grading and bridge. (Federal Funds)

**Reno**—61-78 K-6838-01—K-61, from the K-14 junction, northeast to the U.S. 50 junction, 10.1 miles (16.2 kilometers), crack repair. (State Funds)

**Rush**—183-83 K-6545-01—U.S. 183, from the Pawnee-Rush county line, north to the K-96 junction, 7.9 miles (12.8 kilometers), recycle and overlay. (State Funds)

**Stafford**—281-93 K-6184-01—U.S. 281, from the junction of K-19 north to the Stafford-Barton county line, 7 miles (11.4 kilometers), sealing. (State Funds)

**District**—106 X-1756-01—The Kansas Southwestern Railroad, Wichita/Hutchinson/Sterling/Geneseo, signing. (Federal Funds)

#### District Six—Southwest

**Finney**—50-28 K-6548-01—U.S. 50, from the Kearny-Finney county line, east 5.6 miles (9.1 kilometers), 5.6 miles, overlay. (State Funds)

**Finney**—83-28 K-6549-01—U.S. 83, from the Haskell-Finney county line, north to County Road 247, 7.9 miles (12.7 kilometers), overlay. (State Funds)

**Hamilton**—27-38 M-1861-01—K-27, KDOT mixing strip, 1 mile (1.6 kilometers) north of the U.S. 50 west junction, stockpile bituminous material. (State Funds)

**Hamilton**—27-38 K-6555-01—K-27, from the U.S. 50 junction, north to the Hamilton-Greeley county line, 19.4 miles (31.2 kilometers), overlay. (State Funds)

**Stanton**—27-94 K-6567-01—K-27, from the Morton-Stanton county line, north to the south junction of U.S. 160, 12.1 miles (19.5 kilometers), overlay. (State Funds)

**Gray-Haskell**—144-106 K-6727-01—K-144, from the Haskell-Gray county line, east to the U.S. 56 junction; K-144, from the U.S. 83 junction, east to the Haskell-Gray county line, 16.8 miles (27.1 kilometers), overlay. (State Funds)

**Haskell-Seward-Grant**—190-106 K-6725-01—K-190, from the U.S. 160 junction, south to the Grant-Haskell county line; K-190, from the Grant-Haskell county line, southeast to the Haskell-Seward county line; K-190, from the Haskell-Seward county line, east to the U.S. 83 junction, 23.1 miles (37.163 kilometers), sealing. (State Funds)

**Meade-Seward**—160-106 K-6728-01—U.S. 160, from the Seward-Meade county line, east to the U.S. 54 junction; U.S. 160, from the U.S. 83 junction, east to the Seward-Meade county line, 16.7 miles (26.9 kilometers), overlay. (State Funds)

**Seward**—88 U-1580-01—15th Street from Western Avenue to U.S. 83 in Liberal, grading, bridge and surfacing. (Federal Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial con-

dition, available construction equipment and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap or national origin in the award of contracts.

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the projects may be examined at the office of the respective county clerk or at the KDOT district office responsible for the work.

E. Dean Carlson  
Secretary of Transportation

Doc. No. 019674

#### State of Kansas

### Department of Health and Environment

#### Permanent Administrative Regulations

#### Article 15.—APPLICATION FOR PERMITS; DOMESTIC WATER SUPPLY

**28-15-50. Definitions.** For the purposes of these regulations, the following words and phrases are defined as follows:

(a) "Capacity" means the technical, managerial, and financial ability to comply with applicable national primary drinking water standards.

(b) "Conservation plans and practices" means conservation plans and practices approved by either the Kansas water office or the division of water resources, Kansas department of agriculture, as consistent with guidelines developed and maintained by the Kansas water office pursuant to K.S.A. 74-2608 and amendments.

(c) "Debt service coverage ratio" means the sum of net income plus interest expense plus depreciation, divided by the sum of principal and interest payments for debt service.

(d) "Department" means the Kansas department of health and environment.

(e) "Disadvantaged community" means a loan applicant or the service area of a loan applicant that meets affordability criteria established by the secretary.

(f) "Equivalency" means that portion of the Kansas water supply loan fund that is equal to the amount of

capitalization grants provided by the federal government.

(g) "Equivalency project" means a project that is funded from the equivalency portion of the Kansas water supply loan fund.

(h) "Fund" means the Kansas water supply fund established by K.S.A. 1996 Supp. 65-163e et seq., and amendments, and may consist of more than one pool of money.

(i) "Intended use plan" means the plan prepared according to K.S.A. 1996 Supp. 65-163h and amendments.

(j) "Loan agreement" means an executed contract between a loan applicant and the secretary confirming the purpose of the loan, the amount and terms of the loan, the schedule of the loan payments and requirements, and any other agreed upon conditions set forth by the secretary.

(k) "Loan applicant" means one of the following:

(1) any political or taxing subdivision authorized by law to construct, operate, and maintain a public water supply system, including water districts;

(2) two or more such subdivisions jointly constructing, operating, or maintaining a public water supply system; or

(3) the Kansas rural water finance authority.

(l) "National primary drinking water standards" means a regulation that specifies either a maximum contaminant level or a treatment technique along with associated monitoring and reporting requirements for contaminants with adverse health effects on persons.

(m) "Project completion" means the initiation of operation or the ability to initiate operation.

(n) "Project" means acquisition, construction, reconstruction, improving, equipping, rehabilitation, or extension of all or any part of a public water supply system.

(o) "Public water supply system" has the meaning provided by K.S.A. 65-162a and amendments.

(p) "Secretary" means the secretary of health and environment.

(q) "Significant noncompliance" means failure to comply with any national primary drinking water standard according to criteria established by the administrator of the federal environmental protection agency.

(r) "Water transfer" has the meaning provided by K.S.A. 1996 Supp. 82a-1501 and amendments. (Authorized by K.S.A. 1996 Supp. 65-163f; implementing K.S.A. 1996 Supp. 65-163d, as amended by 1997 S.B. 40, sec. 1, and K.S.A. 1996 Supp. 65-163e through 65-163u; effective Oct. 10, 1997.)

**28-15-51. Fund use eligibility.** (a) The fund shall be used only to provide loans to loan applicants for all or any part of the following:

(1) The acquisition, construction, reconstruction, improvement, equipping, rehabilitation, or extension of all or any part of a public water supply system;

(2) costs for project planning, design, and construction inspection, if included in the loan application; and

(3) if a construction contract has been awarded on or after August 6, 1996, refinancing the acquisition, construction, improvement, equipping, rehabilitation, or extension of all or any part of a public water supply system,

including costs for project planning, design, and construction inspection. Refinancing shall be allowed only from funds provided directly or indirectly, by federal appropriations for federal fiscal year 1997.

(b) Each project eligible to receive loans shall appear on the project priority list prepared by the department. (Authorized by K.S.A. 1996 Supp. 65-163f; implementing K.S.A. 1996 Supp. 65-163d, as amended by 1997 S.B. 40, sec. 1, and K.S.A. 1996 Supp. 65-163e through 65-163u; effective Oct. 10, 1997.)

**28-15-52. Interest rate.** (a) Each loan shall bear interest for the entire life of the loan at a fixed rate set by the secretary. This fixed rate shall be calculated as described in subsection (b). Fees for servicing the loans may also be set by the secretary.

(b) The interest rate shall be calculated as a percentage, as set forth in the intended use plan, of three months' average of the "bond buyers 20 bond index." The average is determined using rates published on Monday of each week of the immediately preceding three months. The loan interest rate as calculated shall include any loan service fees.

(c) The interest rate and loan servicing fee shall be the same for all loan applicants. (Authorized by K.S.A. 1996 Supp. 65-163f; implementing K.S.A. 1996 Supp. 65-163d, as amended by 1997 S.B. 40, sec. 1, and K.S.A. 1996 Supp. 65-163e through 65-163u; effective Oct. 10, 1997.)

**28-15-53. Repayment of loans.** (a) All principal and interest shall be repaid in accordance with the terms and conditions of the executed loan agreement. Repayments shall begin no later than two years after receipt of the first loan disbursement, and in no case later than one year following completion of the project. Repayment of the loan shall not exceed a 20-year repayment period as agreed upon in the loan agreement.

(b) Prepayment of the principal in whole or part may be made, in accordance with the terms and conditions of the executed loan agreement. (Authorized by K.S.A. 1996 Supp. 65-163f; implementing K.S.A. 1996 Supp. 65-163d, as amended by 1997 S.B. 40, sec. 1, and K.S.A. 1996 Supp. 65-163e through 65-163u; effective Oct. 10, 1997.)

**28-15-54. Dedicated loan repayment source.** (a) Each loan recipient shall adopt one or more dedicated sources for repayment of the loan, including principal and interest. The dedicated sources of revenue may be in the form of revenue from water sales, service charges, connection fees, special assessments, property taxes, grants, or some combination of these sources. Each dedicated source of revenue shall be legally available to the loan recipient over the life of the loan and pledged to the repayment of the loan. Each dedicated source of revenue shall be approved by the secretary.

(1) Each loan recipient with general taxing authority shall commit to using that authority, if necessary, as a condition of receiving a loan. As an alternative to pledging general tax authority, any such loan recipient may purchase bond insurance.

(2) Each loan recipient without general taxing authority shall purchase bond insurance as a condition of receiving a loan. As an alternative to purchasing bond in-

(continued)

insurance, any such loan recipient shall pledge to maintain either of the following:

- (A) A debt service coverage ratio of 140%; or
- (B) a debt service coverage ratio of 125% combined with a 10% loan reserve account.

(b) Each loan recipient shall conduct an annual revenue source review during the entire life of the loan repayment obligation and, if necessary, shall implement new revenue rates as approved by the secretary. (Authorized by K.S.A. 1996 Supp. 65-163f; implementing K.S.A. 1996 Supp. 65-163d, as amended by 1997 S.B. 40, sec. 1, and K.S.A. 1996 Supp. 65-163e through 65-163u; effective Oct. 10, 1997.)

**28-15-55. Failure to repay loan on schedule.** (a) Upon failure of a loan recipient to pay one or more installments of the loan repayment on schedule, the governing body of the loan recipient shall be consulted by the secretary and may be required to undergo a financial and management operations review.

(b) The governing body shall correct any deficiencies noted during the review and adopt charges as set by the secretary, to be levied against users of the project. These charges shall remain in effect until the full amount of the loan, including principal and interest, has been repaid, unless otherwise approved by the secretary. The governing body of each loan recipient shall collect any such charges and shall forward all receipts from such charges on a schedule established by the secretary. (Authorized by K.S.A. 1996 Supp. 65-163f; implementing K.S.A. 1996 Supp. 65-163d, as amended by 1997 S.B. 40, sec. 1, and K.S.A. 1996 Supp. 65-163e through 65-163u; effective Oct. 10, 1997.)

**28-15-56. Project eligibility.** (a) No assistance from the fund shall be provided for any water transfer project, or for any portion of a project involving a water transfer. No assistance from the fund shall be provided to any loan applicant who has not adopted and implemented water conservation plans and practices.

(b) No assistance shall be provided to any loan applicant in significant noncompliance with any applicable primary drinking water regulation, unless the project will return the loan applicant to compliance.

(c) No assistance shall be provided to any loan applicant lacking capacity, unless the loan applicant agrees to undertake feasible and appropriate changes in operations, including ownership, management, accounting, rates, maintenance, consolidation, alternative sources of supply, or other procedures if the secretary determines that such changes are required to demonstrate capacity.

(d) No assistance shall be provided for projects and activities deemed ineligible for participation by the U.S. environmental protection agency. Any such projects and activities shall be listed in the intended use plan. (Authorized by K.S.A. 1996 Supp. 65-163f; implementing K.S.A. 1996 Supp. 65-163d, as amended by 1997 S.B. 40, sec. 1, and K.S.A. 1996 Supp. 65-163e through 65-163u; effective Oct. 10, 1997.)

**28-15-57. Equivalency projects.** Equivalency projects shall be required to comply with federal laws and executive orders that apply to all activities receiving fed-

eral assistance. In any given year, more projects than are necessary to equal the equivalency portion of the fund may be required to comply with equivalency project requirements, for the purpose of building an equivalency credit for future federal funds. (Authorized by K.S.A. 1996 Supp. 65-163f; implementing K.S.A. 1996 Supp. 65-163d, as amended by 1997 S.B. 40, sec. 1, and K.S.A. 1996 Supp. 65-163e through 65-163u; effective Oct. 10, 1997.)

**28-15-58. User charge system.** Each loan applicant shall develop and, after the secretary's review and approval, adopt a rate system that shall produce adequate revenue for repayment of the loan principal and interest, and for operation and maintenance of the entire public water supply system, including depreciation. (Authorized by K.S.A. 1996 Supp. 65-163f; implementing K.S.A. 1996 Supp. 65-163d, as amended by 1997 S.B. 40, sec. 1, and K.S.A. 1996 Supp. 65-163e through 65-163u; effective Oct. 10, 1997.)

**28-15-59. Project certification.** Each loan recipient shall certify to the secretary whether or not the project meets its design requirements on the date one year after the initiation of operation of the project. The loan recipient shall be responsible for assuring timely correction and compliance, including recertification if the initial certification concluded that the project did not meet its design requirements. (Authorized by K.S.A. 1996 Supp. 65-163f; implementing K.S.A. 1996 Supp. 65-163d, as amended by 1997 S.B. 40, sec. 1, and K.S.A. 1996 Supp. 65-163e through 65-163u; effective Oct. 10, 1997.)

**28-15-60. Procurement.** Each loan recipient shall follow state procurement laws and regulations applicable to the recipient and procedures established by the secretary. The secretary's approval is required before awarding any contract for construction. (Authorized by K.S.A. 1996 Supp. 65-163f; implementing K.S.A. Supp. 65-163d, as amended by 1997 S.B. 40, sec. 1, and K.S.A. 1996 Supp. 65-163e through 65-163u; effective Oct. 10, 1997.)

**28-15-61. Project documents.** (a) Each loan applicant shall submit the following documents for the secretary's review and approval:

(1) A completed loan application on application forms furnished by the department;

(2) an engineering report describing the need for the project, project design parameters, and an estimate of cost; and

(3) financial statements for the previous three years.

(b) Each loan recipient shall submit the following documents for the secretary's review and approval:

(1) Complete design plans, specifications, and construction bidding documents, including detailed cost estimates for competitive bidding, and projected construction and payment schedules;

(2) a plan for providing construction inspection services;

(3) a plan of operation, including an overall project completion schedule, annual operating cost projections for a minimum of five years, a description of the financial management system, and projected revenues to operate and maintain the public water supply system. Revenue

projections shall also include the loan repayment obligations; and

(4) an operations manual, which shall be submitted before 90% of the project is completed. (Authorized by K.S.A. 1996 Supp. 65-163f; implementing K.S.A. 1996 Supp. 65-163d, as amended by 1997 S.B. 40, sec. 1, and K.S.A. 1996 Supp. 65-163e through 65-163u; effective Oct. 10, 1997.)

**28-15-62. Financial capability.** As part of the loan application, the loan applicant shall demonstrate and certify to the secretary that the applicant has the financial capability to repay the loan and to cover the costs of operation and maintenance of the entire public water supply system of which the proposed project is an integral part. This financial assessment shall cover the life of the loan obligation and consider, at a minimum, changes in economic and population growth, depreciation, existing debt obligations, revenues, project costs, and effects on user charge rates. (Authorized by K.S.A. 1996 Supp. 65-163f; implementing K.S.A. 1996 Supp. 65-163d, as amended by 1997 S.B. 40, sec. 1, and K.S.A. 1996 Supp. 65-163e through 65-163u; effective Oct. 10, 1997.)

**28-15-63. Public participation.** (a) Each loan applicant shall conduct a minimum of one public hearing before execution of the loan agreement, to discuss the proposed project and receive input on alternatives. Notice of the public hearing shall be provided to the department and shall be published in one or more newspapers, as needed to cover the project service area, at least 30 calendar days before the public hearing.

(b) A record of the public hearing and proof of publication shall be submitted prior to execution of the loan agreement.

(c) The 30-day public notice requirement may be waived by the secretary for any project deemed an emergency. (Authorized by K.S.A. 1996 Supp. 65-163f; implementing K.S.A. 1996 Supp. 65-163d, as amended by 1997 S.B. 40, sec. 1, and K.S.A. 1996 Supp. 65-163e through 65-163u; effective Oct. 10, 1997.)

**28-15-64. Environmental review.** (a) The "Environmental review procedure for Kansas public water supply loan fund," dated July 1997, is adopted by reference as the required environmental review procedure for an equivalency project.

(b) For an equivalency project, 40 CFR 6.508(a), 6.511(b), and 6.512, as in effect on July 1, 1996, are hereby adopted by reference.

(c) Those members of the public who participated in the environmental review process shall have the right to appeal the decisions made within that process. All such appeals shall be conducted pursuant to the Kansas administrative procedure act and the act for judicial review set forth in K.S.A. 77-501 et seq. and 77-601 et seq., respectively.

(d) When used in any provision adopted from 40 CFR Part 6, references to "EPA" shall be replaced with the "Kansas department of health and environment"; "grant" shall be replaced with "loan agreement"; "grantee" shall be replaced with "applicant." (Authorized by K.S.A. 1996 Supp. 65-163f; implementing K.S.A.

1996 Supp. 65-163d, as amended by 1997 S.B. 40, sec. 1, and K.S.A. 65-163e through 65-163u; effective Oct. 10, 1997.)

**28-15-65. Project accounts.** Each loan recipient shall maintain project accounts in accordance with generally accepted government accounting standards as defined in the 1994 edition of the "governmental accounting, auditing, and financial reporting" manual issued by the government finance officers association. (Authorized by K.S.A. 1996 Supp. 65-163f; implementing K.S.A. 1996 Supp. 65-163d, as amended by 1997 S.B. 40, sec. 1, and K.S.A. 1996 Supp. 65-163e through 65-163u; effective Oct. 10, 1997.)

#### Article 19.—AMBIENT AIR QUALITY STANDARDS AND AIR POLLUTION CONTROL

**28-19-7.** (Authorized by and implementing K.S.A. 1994 Supp. 65-3005; effective Jan. 1, 1971; amended Jan. 1, 1972; amended, E-73-8, Dec. 27, 1972; amended Jan. 1, 1974; amended May 1, 1975; amended, T-84-39, Dec. 21, 1983; amended May 1, 1984; amended, T-85-29, Nov. 14, 1984; amended May 1, 1985; amended May 1, 1988; amended Oct. 16, 1989; amended Nov. 22, 1993; amended Jan. 23, 1995; amended Dec. 8, 1995; revoked Oct. 10, 1997.)

**28-19-16a. Definitions.** The following words and terms when used in K.A.R. 28-19-16 through K.A.R. 28-19-16m shall have the meanings as defined in subsections (a) through (s) of this regulation.

(a) "Actual emissions" means, in regard to determining creditable emissions decreases or increases of a pollutant, the average rate, in tons per year, at which a unit actually emitted the pollutant during a two-year period that precedes the particular date of interest and that is representative of normal source operation. This shall apply unless the department allows the use of a different time period upon a determination that it is more representative of normal source operation. These emissions shall be calculated using the unit's actual operating hours, production rates, and type of materials processed, stored, or combusted during the selected time period. Where specific emission limitations have been established for an individual source under the provisions of K.A.R. 28-19-13, K.A.R. 28-19-16b, the Kansas air quality regulations adopting and implementing 40 CFR §52.21, or any permits issued before May 1, 1983 by the U.S. environmental protection agency under the provisions of federal regulation 40 CFR §52.21(i), as amended at 52 FR 24634, July 1, 1987, effective on July 31, 1987, then actual emissions may be presumed to be equal to these limitations. For any emissions unit that has not begun normal operations on a date of interest, actual emissions shall mean the potential of the unit to emit on that date.

(b) "Allowable emissions" means the emissions rate of a stationary source calculated by using the following:

(1) the maximum rated capacity of the source, unless the source is subject to federally enforceable limits that restrict the operating rate, hours of operation, or both; and

(continued)



(2) limitations imposed by this or any other applicable state, federal, or local governmental air pollution control regulation, including those with a future compliance date.

(c) "Begin actual construction" shall have the meaning as defined in K.A.R. 28-19-200(i).

(d) "Building, structure, facility, or installation" shall have the meaning as defined in K.A.R. 28-19-200(j).

(e) "Commence," as applied to construction of a major stationary source or major modification, means that the owner or operator has all necessary state, local, and federal approvals or permits, and either has:

(1) begun, or caused to begin, a continuous program of actual on-site construction of the source to be completed within a reasonable time; or

(2) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(f) "Construction" means any physical change or change in the method of operation, including fabrication, erection, installation, demolition, or modification of an emissions unit, that would result in a change in actual emissions.

(g) "Contemporaneous emission increase or decrease" as used in K.A.R. 28-19-16a, paragraph (s) (2) means emission changes from the source that have occurred since December 21, 1976 or since the most recent permit was issued under the provisions of K.A.R. 28-19-16b, whichever date is the most recent.

(h) "Creditable emission decrease" means the amount by which the old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions. No emission decrease shall be creditable if the secretary has previously given credit for it in a permit issued under the provisions of this regulation that is presently in effect or if the decrease has been previously credited by the secretary as a result of actions initiated under the provisions of other state, federal, or local governmental air pollution control regulations. Credit shall be allowed only for decreases in emissions that have approximately the same qualitative significance for public health and welfare as do those emissions that increase as a result of a particular change.

(i) "Creditable emission increase" means the amount by which a new level of actual emissions exceeds the old level of actual emissions.

(j) "Emissions unit" means any part of a stationary source that emits or would have the potential to emit any pollutant subject to the provisions of this regulation.

(k) "Federally enforceable" shall have the meaning as defined in K.A.R. 28-19-200(ee).

(l) "Fixed capital cost" means the capital needed to provide all the depreciable components.

(m) "Fugitive emissions" shall have the meaning as defined in K.A.R. 28-19-200(ff).

(n) "Implementation plan" means any documents, including state or locally adopted regulations, submitted by a state to the U.S. environmental protection agency as required by the provisions of 42 U.S.C. §7410 and any regulations promulgated by the administrator of the U.S.

environmental protection agency pursuant to the provisions of that section. For the purpose of this regulation, a state plan is approved when the administrator has published the approval or conditional approval of the applicable provisions of the plan in the federal register.

(o) "Lowest achievable emission rate" means, for any source, the more stringent emission standard established by the secretary based on either of the following:

(1) the most stringent emissions limitation that is contained in the approved implementation plan of any state for that class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that these limitations are not achievable; or

(2) the most stringent emissions limitation that is achieved in practice by that class or category of stationary source. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the stationary source. In no event shall the secretary establish a lower emission rate for a proposed new or modified stationary source that is less stringent than the amount allowable under an applicable new source standard of performance promulgated by the U.S. environmental protection agency under the provisions of 42 U.S.C. §7411.

(p) "Major modification" means any modification of a major stationary source that would result in a significant net emissions increase of any pollutant subject to the provisions of this regulation.

(q) "Modification" means any physical change in, or change in the method of operation of, a stationary source that would result in an emissions increase of any pollutant subject to the provisions of this regulation. Each net emission increase that is considered significant for volatile organic compounds shall be considered significant for ozone. A physical change or change in the method of operation shall not include:

(1) routine maintenance, repair, and replacement;

(2) use of an alternative fuel or raw material by reason of an order under section 2(a) and (b) of the federal energy supply and environmental coordination act of 1974, or any superseding legislation, or by reason of a natural gas curtailment plan pursuant to the federal power act;

(3) use of an alternative fuel by reason of an order or rule under section 125 of the federal clean air act;

(4) use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(5) use of an alternative fuel or raw material by a stationary source that:

(A) the source was capable of accommodating before December 21, 1976, unless the secretary determines that this change would be prohibited under any federally enforceable permit condition that was established after December 21, 1976 according to 40 CFR 52.21, as amended at 52 FR 24634, July 1, 1987, effective on July 31, 1987; or

(B) the source is approved to use under any permit issued under the provisions of this regulation;

(6) an increase in the hours of operation or in the production rate, unless the secretary determines that this change is prohibited under any federally enforceable permit condition that was established after December 21,

1976 according to 40 CFR 52.21, as amended at 52 FR 24634, July 1, 1987, effective on July 31, 1987; or

(7) any change in ownership at a stationary source.

(r) "Major stationary source" means any stationary source of air pollutants that emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to the provisions of this regulation, or any physical change that would occur at a stationary source not qualifying as a major stationary source under the previous definition, if the change would create a major stationary source by itself. A major stationary source that is considered major for volatile organic compounds shall also be considered major for ozone.

(s) "Net emissions increase" means the amount by which the sum of the following exceeds zero:

(1) any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and

(2) any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change, and are otherwise creditable. (Authorized by K.S.A. 1996 Supp. 65-3005; implementing K.S.A. 1996 Supp. 65-3005, K.S.A. 1996 Supp. 65-3008 and K.S.A. 65-3010; effective, E-81-35, Nov. 12, 1980; effective May 1, 1981; amended May 1, 1982; amended Oct. 16, 1989; amended Oct. 10, 1997.)

**28-19-200. General provisions; definitions.** All terms and abbreviations used in the Kansas air quality regulations shall have the following meanings, unless otherwise defined in an individual regulation or unless the context clearly requires otherwise.

(a) "Affected facility" or "facility" means any building, structure, machine, equipment, device, or installation, or combination thereof, to which an emissions limitation or standard applies.

(b) "Affected source" means a stationary source that includes one or more affected units subject to emission reduction requirements or limitations under title IV of the federal clean air act, 42 U.S.C. §7401 et seq., "acid deposition control."

(c) "Affected state" means any state:

(1) that is contiguous with Kansas and whose air quality may be affected by emissions from a stationary source or proposed stationary source in Kansas; or

(2) that is within 50 miles of a permitted stationary source located in Kansas.

(d) "Agricultural-related activity."

(1) "Agricultural-related activity" means processes used in the production of any of the following:

(A) popcorn that is packaged but not popped;

(B) ornamental floriculture and nursery products;

(C) shortening, table oils, and margarine;

(D) prepared feeds and feed ingredients for animals and fowl;

(E) molasses that is mixed or blended;

(F) cotton ginnings; and

(G) flour and other grain mill products.

(2) "Agricultural-related activity" also means sunflower oil reclaiming, seed cleaning, and operations related to alfalfa dehydrators, sun-cured alfalfa plants, soybean oil mills, and grain elevators.

(e) "Applicable requirement," for purposes of class I operating permits, means any of the following:

(1) the standards or other requirements that are part of the approved state implementation plan or part of any applicable federally promulgated implementation plan;

(2) any term or condition of a construction permit issued pursuant to:

(A) K.A.R. 28-19-16 through 16m, and amendments thereto, nonattainment area requirements;

(B) K.A.R. 28-19-17 through 17q, and amendments thereto, prevention of significant deterioration requirements;

(C) part C of title I of the federal clean air act by the USEPA; or

(D) K.A.R. 28-19-300, or its predecessor, K.A.R. 28-19-14;

(3) any standard or other requirement promulgated under 42 U.S.C. §7411 of the federal clean air act, "standards of performance for new stationary sources," including 42 U.S.C. §7411(d);

(4) any standard or other requirement promulgated under 42 U.S.C. §7412 of the federal clean air act, "hazardous air pollutants," including any requirement concerning accident prevention under 42 U.S.C. §7412(r)(7);

(5) any standard or other requirement of the acid rain program under title IV of the federal clean air act, "acid deposition control," or regulations promulgated thereunder;

(6) any requirement established pursuant to 42 U.S.C. §7661c(b) of the federal clean air act, "permit requirements and conditions, monitoring and analysis," or 7414(a)(3) of the federal clean air act, regarding inspections, monitoring and entry, enhanced monitoring, and compliance certification;

(7) any standard or other requirement governing solid waste incineration under 42 U.S.C. §7429 of the federal clean air act, "solid waste combustion";

(8) any standard or other requirement for consumer and commercial products under 42 U.S.C. §7511b of the federal clean air act, "federal ozone measures," subsection (e) "control of emissions from certain sources";

(9) any standard or other requirement for tank vessels under 42 U.S.C. §7511b(f) of the federal clean air act, "federal ozone measures," subsection (f) "tank vessel standards";

(10) any standard or other requirement of the regulations promulgated to protect stratospheric ozone under title VI of the federal clean air act, "stratospheric ozone protection," unless the USEPA has determined that such requirements need not be contained in a class I operating permit; and

(11) any national ambient air quality standard or increment or visibility requirement under part C, "prevention of significant deterioration of air quality," of title I of the federal clean air act, but only as it would apply to temporary sources permitted pursuant to requirements adopted to enable the department to administer a program developed to implement the provisions of 42 U.S.C. §7661c, "permit requirements and conditions," subsection (e), "temporary sources," of the federal clean air act.

(continued)



(f) "Application" or "application form" means the application form and all supporting documentation, unless the context clearly indicates otherwise.

(g) "Area source" means a stationary source of hazardous air pollutants that is not a major source.

(h) "ASTM" means the American society for testing and materials.

(i) "Begin actual construction" means the initiation of physical on-site construction activities on an emissions unit that are of a permanent nature. These activities include, but shall not be limited to, installation of building supports and foundations, laying of underground pipe-work, and construction of permanent storage structures. With respect to a change in method of operation, this term refers to those on-site activities other than preparatory activities that mark the initiation of the change.

(j) "Building, structure, facility, or installation" means all of the air pollutant emitting activities that belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control. Air pollutant emitting activities shall be considered as part of the same industrial grouping if they have the same two-digit code as described in the "standard industrial classification manual 1987," as published by the U.S. governing printing office, as adopted at K.A.R. 28-19-301(f)(2).

(k) "Calendar quarter" means January through March, April through June, July through September, or October through December of any calendar year.

(l) "Capture efficiency" (CE) means the amount of an air contaminant emitted from an emissions unit and directed to an air emissions control device (ce), divided by the total emissions of the air contaminant from the emissions unit (te), and expressed as a two-decimal number between 0.00 and 1.00 ( $CE = ce/te$ ).

(m) "Class I or class II substance" means a substance subject to a standard promulgated under or established by title VI of the federal clean air act, "stratospheric ozone protection," 42 U.S.C. §7401 et seq.

(n) "Class I, II or III area" means a classification assigned to any area of the state under the provisions of 42 U.S.C. §7472 and §7474 of the federal clean air act.

(o) "Commercial or medical waste incinerator" means any incinerator used to dispose of waste from any commercial operation or used to dispose of any medical services waste as defined at K.A.R. 28-29-27.

(p) "Construction" means any physical change or change in the method of operation, including fabrication, erection, installation, demolition, or modification of an emissions unit.

(q) "Control device" means any equipment, device, or other article that is designed, installed, or both, for the purpose of reducing or preventing the discharge of contaminant emissions to the air.

(r) "Control device efficiency (CDE)" means the amount of an air contaminant directed to an air emissions control device or devices (ce) minus the emissions of the air contaminant emitted from the air emissions control device or devices, or otherwise released into the atmosphere (re), divided by the amount of the air contaminant directed to the air emissions control device or devices (ce),

expressed as a two-decimal number between 0.00 and 1.00. ( $CDE = ce - re/ce$ )

(s) "De minimis emissions" means air emissions of hazardous air pollutants for which no applicable requirements exist.

(t) "Department" means the Kansas department of health and environment or an authorized representative of the department.

(u) "Direct heating equipment" means any device in which fuel is burned in direct contact with, and for the purpose of heating, air that comes in direct contact with the material being processed.

(v) "Director" means the secretary of health and environment or a designated representative of the secretary.

(w) "Emission limitation and standard" means a requirement established pursuant to the Kansas air quality regulations.

(x) "Emission source" means any machine, equipment, device, or other article or operation that directly or indirectly releases contaminants into the outdoor atmosphere.

(y) "Emission unit" means any part or activity of a stationary source that emits or would have the potential-to-emit any regulated pollutant or any pollutant listed under 42 U.S.C. §7412(b) of the federal clean air act.

(z) "Existing" means that a processing machine, equipment, device, or other article, or any combination of the above, or any indirect heating equipment or incinerator is completed, under construction, or under purchase contract on the effective date of any applicable regulation.

(aa) "Existing facility" means a facility that is completed, under construction, or under purchase contract at the time an emission limitation or standard becomes applicable to such facilities.

(bb) "Facility" or "affected facility" means any building, structure, machine, equipment, device, or installation, or combination thereof, to which an emissions limitation or standard applies.

(cc) "Federal clean air act" means 42 U.S.C. §7401 et seq., as in effect on January 15, 1996.

(dd) "Federally designated fugitive emissions source" means any of the following:

- (1) coal cleaning plants, with thermal dryers;
- (2) kraft pulp mills;
- (3) portland cement plants;
- (4) primary zinc smelters;
- (5) iron and steel mills;
- (6) primary aluminum ore reduction plants;
- (7) primary copper smelters;
- (8) municipal incinerators capable of charging more than 250 tons of refuse per day;
- (9) hydrofluoric, sulfuric, or nitric acid plants;
- (10) petroleum refineries;
- (11) lime plants;
- (12) phosphate rock processing plants;
- (13) coke oven batteries;
- (14) sulfur recovery plants;
- (15) carbon black plants that use a furnace process;
- (16) primary lead smelters;
- (17) fuel conversion plants;
- (18) sintering plants;

- (19) secondary metal production plants;
  - (20) chemical process plants;
  - (21) fossil-fuel boilers, or a combination thereof, totaling more than 250 million British thermal units per hour heat input;
  - (22) petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
  - (23) taconite ore processing plants;
  - (24) glass fiber processing plants;
  - (25) charcoal production plants;
  - (26) fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or
  - (27) any other stationary source categories regulated by a standard promulgated as of August 7, 1980, under 42 U.S.C. §7411, "new source performance standards," or 42 U.S.C. §7412, "hazardous air pollutants," of the federal clean air act, but only with respect to those air pollutants that have been regulated for that category.
- (ee) "Federally enforceable" means:
- (1) all limitations and conditions that are enforceable by the administrator of the U.S. environmental protection agency;
  - (2) requirements of regulations included in the federally approved state implementation plan; and
  - (3) any permit requirements established pursuant to these requirements.
- (ff) "Fugitive emissions" means those emissions that directly result from operation of an emissions unit or stationary source but that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- (gg) "Hazardous air pollutant" shall have the meaning as defined in K.A.R. 28-19-201(a).
- (hh) "Incinerator" means any device or structure used for the destruction or volume reduction of garbage, rubbish, or other liquid or solid waste materials, by combustion, for the purpose of disposal or salvage.
- (ii) "Indirect heating equipment" means any device in which fuel is burned to produce heat, which heat is transferred through a heat-conducting materials barrier or by a heat storage medium to a material that is to be heated so that the material being heated is not contacted by, and adds no substance to, the products of combustion.
- (jj) "Kansas air quality regulations" means those regulations at article 28-19 of the Kansas administrative regulations, as adopted by the secretary pursuant to K.S.A. 65-3001 et seq., and amendments thereto.
- (kk) "Major source" means any stationary source, or any group of stationary sources that are located on one or more contiguous or adjacent properties and are under common control of the same person, or persons who are under common control, belonging to a single major industrial grouping and that are described in paragraphs (1), (2), (3) or (4) of this subsection. For the purposes of defining "major source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant-emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group with the same two-digit code as described in the "standard industrial classification manual, 1987."

(1) For pollutants other than radionuclides, major source shall include any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential-to-emit, in the aggregate, 10 tons per year or more of any hazardous air pollutant, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as the secretary may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well, with its associated equipment, and emissions from any pipeline compressor station or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources.

(2) For radionuclides, major source shall have the meaning specified by the secretary by regulation.

(3) Major source shall include a major stationary source of air pollutants, as defined in 42 U.S.C. §7602 of the federal clean air act, that directly emits or has the potential-to-emit 100 tons per year or more of any air pollutant, including any major source of fugitive emissions of any such pollutant from a federally designated fugitive emissions source. The fugitive emissions of a stationary source shall not be considered in determining whether or not it is a major stationary source, unless the source is a federally designated fugitive emissions source.

(4) Major source shall include a major stationary source as defined in part D of title I of the federal clean air act.

(ll) "Modified open burning operation" means an open burning operation in which the contaminants emitted to the ambient air as a result of combustion are reduced, controlled, or both, through positive regulation of fuel-to-air ratios, air screens, or other control techniques. Combustion devices used solely for the purpose of disposing of flammable gases shall not be considered to be modified open burning operations.

(mm) "Municipal solid waste landfill" or "MSW landfill" means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. An MSW landfill may also receive other types of wastes regulated pursuant to subtitle D of the resource conservation and recovery act (RCRA), 42 U.S.C. §6901, et seq., such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of an MSW landfill may be separated by access roads. An MSW landfill may be publicly or privately owned. An MSW landfill may be a new MSW landfill, an existing MSW landfill, or a lateral expansion.

(nn) "National ambient air quality standard," "national primary ambient air quality standard" and "national secondary ambient air quality standard" mean those standards promulgated at 40 CFR Part 50, revised as of July 1, 1995, which are adopted by reference.

(oo) "Official observer."

(1) "Official observer" means a designated representative of the department who has been certified by the department as being trained, and qualified on the basis

(continued)

of actual testing, to determine the degree of opacity of visible plumes by direct visual observation. The testing procedure shall be established and published by the department. Each certified individual shall be required to be re-tested at least once every six months to maintain certification.

(2) The term "official observer" shall also include a representative of the USEPA that has been properly certified pursuant to 40 CFR Part 60, appendix A, method 9.

(pp) "Opacity" means the degree to which a contaminant emission obscures an official observer's view of transmitted light passing through that contaminant. Zero percent opacity is perfect transparency and 100 percent opacity is impenetrable to light.

(qq) "Open burning operation" means the burning of any materials in which contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. A chamber shall be considered enclosed when only those apertures, ducts, stacks, flues or chimneys that are required to supply combustion air and to permit the escape of exhaust gases are open during the combustion process.

(rr) "Organic material" means a chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.

(ss) "Owner or operator" means any person who owns, leases, operates, controls, or supervises an affected facility, emissions unit, or stationary source subject to any standard or requirement of the Kansas air quality act, K.S.A. 65-3001 et seq., or any rule and regulation promulgated thereunder.

(tt) "Particulate matter" means any airborne finely divided solid or liquid material, except uncombined water, including PM<sub>10</sub>.

(uu) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, or any legal successor, representative, agent, or agency of the foregoing.

(vv) "PM<sub>10</sub>" or "PM<sub>10</sub>" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers, as measured by a reference method based on appendix J of 40 CFR, Part 50 and designated in accordance with 40 CFR §53.8, or by an equivalent method designated by the administrator of the U.S. environmental protection agency on or before the effective date of this regulation in accordance with 40 CFR §53.8, revised as of July 1, 1995. Appendix J of 40 CFR, Part 50 and 40 CFR §53.8, revised as of July 1, 1995 are adopted by reference.

(ww) "Portable source" means an emissions unit or stationary source that, due to the design of the emissions unit or stationary source, is capable of being moved from one location to another and that, except for storage purposes, remains at one location no longer than 180 days during any 365-day period, unless otherwise approved in writing by the department. A mobile source shall not be considered a portable source.

(xx) "Potential contaminant emission rate" means the total weight of a contaminant that is or, in the absence of control equipment, would be emitted from an air contaminant source when that source is operating at its maximum capacity. The potential contaminant emissions rate shall be determined by:

(1) sampling in a flue or duct prior to the inlet of any control device serving the flue or duct;

(2) estimating such emissions by performing a "material balance" calculation that indicates the difference between processing input weight and output weight of materials;

(3) using potential contaminant emission factors as recognized by the department; or

(4) using any other estimating technique mutually agreeable to the department and the person responsible for operation of the source.

(yy) "Potential-to-emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions shall not be considered in determining the potential-to-emit of a stationary source.

(zz) "Premises" means one or more contiguous or adjacent parcels of land and any structures or equipment located on the parcels under one ownership. For the purpose of this definition, a parcel of land that is bordering another parcel divided solely by a public roadway or a railroad right of way shall be considered to be adjacent.

(aaa) "Processing" means any operation related to the handling, storage, treatment, or conversion of input materials to produce a saleable or usable end product.

(bbb) "Regulated pollutant" means:

(1) nitrogen oxides or any volatile organic compounds;

(2) any pollutant for which a national ambient air quality standard has been promulgated;

(3) any pollutant that is subject to any standard promulgated under 42 U.S.C. §7411, "standards of performance for new stationary sources," of the federal clean air act;

(4) any class I or II substance subject to a standard promulgated under or established by title VI of the federal clean air act, "stratospheric ozone protection"; or

(5) any pollutant subject to a standard or other requirements promulgated or established under 42 U.S.C. §7412 of the federal clean air act, "hazardous air pollutants," including 42 U.S.C. §7412(g), (j), and (r), including the following:

(A) any pollutant subject to requirements under 42 U.S.C. §7412(j) of the federal clean air act. If the administrator of the USEPA fails to promulgate a standard by the date established pursuant to 42 U.S.C. §7412(e) of the federal clean air act, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to 42 U.S.C. §7412(e) of the federal clean air act; and

(B) any pollutant for which the requirements of 42 U.S.C. §7412(g)(2) of the federal clean air act have been met, but only with respect to the individual source subject to 42 U.S.C. §7412(g)(2) requirement.

(ccc) "Responsible official" means one of the following:

(1) For a corporation, a president, secretary, treasurer or vice-president in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to permit or other relevant regulatory requirement and if either:

(A) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million, in second quarter, 1980 dollars; or

(B) the delegation of authority to such representative is approved in advance by the department;

(2) for a partnership or sole proprietorship, a general partner or the proprietor, respectively;

(3) for a municipality, or a state, federal, or other public agency, a principal executive officer or ranking elected official. For purposes of this definition, a principal executive officer of a federal agency shall include the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency; or

(4) for affected sources, the designated representative under title IV of the federal clean air act, "acid deposition control."

(ddd) "Secondary emissions" means emissions that would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions shall include emissions from any off-site support facility that would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions shall not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

(eee) "Significant" means in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

- (1) 100 tons per year of carbon monoxide;
- (2) 40 tons per year of nitrogen oxides;
- (3) 40 tons per year of sulfur dioxide;
- (4) 25 tons per year of particulate matter emissions;
- (5) 15 tons per year of PM10 emissions;
- (6) 40 tons per year of volatile organic compounds for ozone; or

(7) 0.6 tons per year of lead.

(fff) "Smoke" means particulate matter emissions, resulting from incomplete combustion, that consist primarily of carbon, ash, and other material and that form a visible plume in the ambient atmosphere.

(ggg) "Start-up" or "startup" means the setting in operation of a stationary source for any purpose.

(hhh) "State implementation plan" means any documents, including state or locally adopted regulations, submitted by a state to, and approved by, the U.S. environmental protection agency as required by the provisions of 42 U.S.C. §7410 of the federal clean air act, and any regulations promulgated by the administrator of the U.S. environmental protection agency pursuant to the provisions of that section.

(iii) "Stationary source" or "source" means any building, structure, facility, or installation that emits or may emit any air pollutant subject to any emission limitation or standard or that is required to obtain a permit pursuant to the Kansas air quality regulations.

(jjj) "Temporary" means, in relation to the emissions from a source, that the emissions will not occur at a particular location for a period of more than two years, unless a longer time is approved by the secretary or an authorized representative of the secretary.

(kkk) "Total suspended particulate" means particulate matter as measured by the method described in appendix B of 40 CFR Part 50, revised as of July 1, 1995, which is adopted by reference.

(lll) "USEPA" means the United States environmental protection agency, or its successor.

(mmm) "Volatile organic compounds (VOC)" shall have the meaning as defined in K.A.R. 28-19-201(b).

(nnn) "Waste" means garbage, refuse and other discarded materials including, but not limited to solids, semi-solids, sludges, liquids and contained gaseous waste materials resulting from industrial, commercial, agricultural and domestic activities. The term "waste" shall not include hazardous wastes as defined in K.A.R. 28-31-3. (Authorized by K.S.A. 1996 Supp. 65-3005; implementing K.S.A. 1996 Supp. 65-3005; effective Oct. 10, 1997.)

**28-19-201. General provisions; regulated compounds list.** As used in this regulation, "CAS Number" means Chemical Abstract Service Number. (a) "Hazardous air pollutant" means one or more of the following chemical pollutants:

CAS Number	Chemical name
75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorene
107028	Acrolein
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
107051	Allyl chloride
92671	4-Amino biphenyl
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (including benzene from gasoline)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride

(continued)

CAS Number	Chemical name	CAS Number	Chemical name
92524	Biphenyl	140885	Ethyl acrylate
117817	Bis(2-ethylhexyl)phthalate (DEHP)	100414	Ethyl benzene
542881	Bis(chloromethyl) ether	51796	Ethyl carbamate (Urethane)
75252	Bromoform	75003	Ethyl chloride (Chloroethane)
106990	1,3-Butadiene	106934	Ethylene dibromide (Dibromoethane)
156627	Calcium cyanamide	107062	Ethylene dichloride (1,2-Dichloroethane)
133062	Captan	107211	Ethylene glycol
63252	Carbaryl	151564	Ethylene imine (Aziridine)
75150	Carbon disulfide	75218	Ethylene oxide
56235	Carbon tetrachloride	96457	Ethylene thiourea
463581	Carbonyl sulfide	75343	Ethylidene dichloride (1,1-Dichloroethane)
120809	Catechol	50000	Formaldehyde
133904	Chloramben	76448	Heptachlor
57749	Chlordane	118741	Hexachlorobenzene
7782505	Chlorine	87683	Hexachlorobutadiene
79118	Chloroacetic acid	77474	Hexachlorocyclopentadiene
532274	2-Chloroacetophenone	67721	Hexachloroethane
108907	Chlorobenzene	822060	Hexamethylene-1,6-diisocyanate
510156	Chlorobenzilate	680319	Hexamethylphosphoramide
67663	Chloroform	110543	Hexane
107302	Chloromethyl methyl ether	302012	Hydrazine
126998	Chloroprene	7647010	Hydrochloric acid
1319773	Cresols/ Cresylic acid (isomers and mixture)	7664393	Hydrogen fluoride (Hydrofluoric acid)
95487	o-Cresol	123319	Hydroquinone
108394	m-Cresol	78591	Isophorone
106445	p-Cresol	58899	Lindane (all isomers)
98828	Cumene	108316	Maleic anhydride
94757	2,4-D, salts and esters	67561	Methanol
3547044	DDE	72435	Methoxychlor
334883	Diazomethane	74839	Methyl bromide (Bromomethane)
132649	Dibenzofurans	74873	Methyl chloride (Chloromethane)
96128	1,2-Dibromo-3-chloropropane	71556	Methyl chloroform (1,1,1-Trichloroethane)
84742	Dibutylphthalate	78933	Methyl ethyl ketone (2-Butanone)
106467	1,4-Dichlorobenzene(p)	60344	Methyl hydrazine
91941	3,3-Dichlorobenzidene	74884	Methyl iodide (Iodomethane)
111444	Dichloroethylether(Bis(2-chlorethyl)ether)	108101	Methyl isobutyl ketone (Hexone)
542756	1,3-Dichloropropene	624839	Methyl isocyanate
62737	Dichlorvos	80626	Methyl methacrylate
111422	Diethanolamine	1634044	Methyl tert butyl ether
121697	N, N-Diethyl aniline (N,N-Dimethylaniline)	101144	4,4-Methylene bis(2-chloroaniline)
64675	Diethyl sulfate	75092	Methylene chloride (Dichloromethane)
119904	3,3-Dimethoxybenzidine	101688	Methylene diphenyl diisocyanate (MDI)
60117	Dimethyl aminoazobenzene	101779	4,4-Methylenedianiline
119937	3,3-Dimethyl benzidine	91203	Naphthalene
79447	Dimethyl carbamoylchloride	98953	Nitrobenzene
68122	Dimethyl formamide	92933	4-Nitrobiphenyl
57147	1,1-Dimethyl hydrazine	100027	4-Nitrophenol
131113	Dimethyl phthalate	79469	2-Nitropropane
77781	Dimethyl sulfate	684935	N-Nitroso-N-methylurea
534521	4,6-Dinitro-o-cresol, and salts	62759	N-Nitrosodimethylamine
51285	2,4-Dinitrophenol	59892	N-Nitrosomorpholine
121142	2,4-Dinitrotoluene	56382	Parathion
123911	1,4-Dioxane (1,4-Diethylene oxide)	82688	Pentachloronitrobenzene (Quintobenzene)
122667	1,2-Diphenylhydrazine	87865	Pentachlorophenol
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)	108952	Phenol
106887	1,2-Epoxybutane	106503	p-Phenylenediamine
		75445	Phosgene
		7803512	Phosphine
		7723140	Phosphorus



CAS Number	Chemical name
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls (Aroclors)
1120714	1,3-Propane sultone
57578	beta-Propiolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene dichloride (1,2-Dichloropropane)
75569	Propylene oxide
75558	1,2-Propylenimine (2-Methyl aziridine)
91225	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate
95534	o-Toluidine
8001352	Toxaphene (chlorinated camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
580841	2,2,4-Trimethylpentane
108054	Vinyl acetate
593602	Vinyl bromide
75014	Vinyl chloride
75354	Vinylidene chloride (1,1-Dichloroethylene)
1330207	Xylenes (isomers and mixture)
95476	o-Xylenes
108383	m-Xylenes
106423	p-Xylenes
0	Antimony Compounds
0	Arsenic Compounds (inorganic, including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds <sup>1</sup>
0	Glycol ethers <sup>2</sup>
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine mineral fibers <sup>3</sup>
0	Nickel Compounds
0	Polycyclic Organic Matter <sup>4</sup>
0	Radionuclides (including radon) <sup>5</sup>
0	Selenium Compounds

NOTE: For all listings above which contain the word "compounds" and for glycol ethers, the following ap-

plies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical as part of that chemical's infrastructure.

<sup>1</sup> X'CN where X = H' or any other group where a formal dissociation may occur, for example, KCN or Ca(CN)<sub>2</sub>

<sup>2</sup> Includes mono- and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH<sub>2</sub>CH<sub>2</sub>)<sub>n</sub>-OR' where

n = 1, 2, or 3

R = alkyl or aryl groups

R' = R, H, or groups that, when removed, yield glycol ethers with the structure: R-(OCH<sub>2</sub>CH<sub>2</sub>)<sub>n</sub>-OH. Polymers are excluded from the glycol category.

<sup>3</sup> Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.

<sup>4</sup> Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100°C.

<sup>5</sup> A type of atom that spontaneously undergoes radioactive decay.

(b) "Volatile organic compounds (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions including any organic compound other than those that have been designated by the department as having negligible photochemical reactivity. For purposes of programs and plans implementing the national ambient air quality standards for ozone only, the following organic compounds have been designated by the department as having negligible photochemical reactivity:

- (1) methane;
- (2) ethane;
- (3) 1,1,1-trichloroethane (methyl chloroform);
- (4) methylene chloride;
- (5) trichlorofluoromethane (CFC-11);
- (6) dichloro-difluoromethane (CFC-12);
- (7) chlorodifluoromethane (CFC-22);
- (8) trifluoromethane (CFC-23);
- (9) trichlorotrifluoroethane (CFC-113);
- (10) dichlorotetrafluoroethane (CFC-114);
- (11) chloropentafluoroethane (CFC-115);
- (12) dichlorotrifluoroethane (HCFC-123);
- (13) tetrafluoroethane (HCFC-134a);
- (14) dichlorofluoroethane (HCFC-141b);
- (15) chlorodifluoroethane (HCFC-142b);
- (16) chlorotetrafluoroethane (HCFC-124);
- (17) pentafluoroethane (HCFC-125);
- (18) tetrafluoroethane (HCFC-134);
- (19) trifluoroethane (HCFC-143a);
- (20) difluoroethane (HCFC-152a);
- (21) parachlorobenzotrifluoride (PCBTF);

(continued)

(22) cyclic, branched, or linear completely methylated siloxanes;

(23) acetone;

(24) The following classes of perfluorocarbon compounds:

(A) cyclic, branched, or linear, completely fluorinated alkanes;

(B) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

(C) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturation; and

(D) sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine; and

(25) perchloroethylene. (Authorized by and implementing K.S.A. 1996 Supp. 65-3005; effective Oct. 10, 1997.)

### Article 33.—LABORATORIES PERFORMING TESTS FOR SYPHILIS

#### 28-33-12. General provisions. (a) Definitions.

(1) "Department" means the department of health and environment.

(2) "Division" means the division of Kansas health and environmental laboratory.

(3) "Laboratory director" means the person responsible for the professional, administrative, organizational, and educational duties of a laboratory.

(4) "Laboratory supervisor" means the individual responsible for providing day-to-day supervision of testing personnel, including the proper performance of all laboratory procedures and reporting of test results.

(5) "Testing personnel" means individuals responsible for specimen processing, test performance, and reporting test results.

(6) "Test for controlled substance" means a procedure to evaluate a specimen for compounds identified in schedule I or II of the Kansas controlled substance act, K.S.A. 1996 Supp. 65-4105 and 65-4107.

(7) "Threshold" means a defined drug or metabolite concentration that is established at a level resulting in the following:

(A) a concentration at or above this level defines a positive result; and

(B) a concentration below this level defines a negative result.

(8) "Screening test" means a test designed to eliminate true negative specimens from further consideration. Threshold limits used for screening tests shall conform to the mandatory guidelines for federal workplace drug testing programs established by the substance abuse and mental health services administration of the department of health and human services in the federal register, volume 59, number 110, page 29921, published June 9, 1994.

(9) "Confirmatory test" means a mass spectrometry analytical procedure used to specifically identify the presence of a drug or drug metabolite. Threshold limits used for confirmatory testing shall conform to the mandatory guidelines for federal workplace drug testing programs established by the substance abuse and mental health services administration of the department of health and

human services in the federal register, volume 59, number 110, pages 29921-29922, published June 9, 1994.

(10) "Unsatisfactory performance" means a score for any analyte of less than 80% as determined by the proficiency testing provider.

(11) "Unsuccessful participation" means unsatisfactory performance for the same analyte in two consecutive or two out of three consecutive proficiency testing events.

(12) "CLIA" means the clinical laboratory improvement amendments of 1988, Public Law 100-578, as implemented by 42 CFR part 493, issued February 28, 1992, as amended and in effect on April 24, 1995.

(b) Approval procedure. (1) Except as provided in subsection (k), each laboratory located in Kansas seeking approval of the department to perform tests on biological specimens for controlled substances, as defined in schedule I and II of the Kansas controlled substance act, K.S.A. 1996 Supp. 65-4105 and 65-4107, shall be a laboratory that the division director or director's designee determines meets the requirements for certification under CLIA for the type and complexity of the tests being performed.

(2) (A) Except as set out in paragraph (C), each laboratory seeking approval to test biological specimens for the following drugs or their metabolites shall meet the requirements set out in paragraph (B):

- (i) amphetamines;
- (ii) cannabinoids or tetrahydrocannabinoids (THC);
- (iii) cocaine;
- (iv) opiates; and
- (v) phencyclidine.

(B) In addition to meeting requirements for certification under CLIA, each laboratory seeking approval under paragraph (A) shall submit the following:

- (i) a completed application on standard forms furnished by the division; and
- (ii) documents demonstrating successful performance in one testing event using a proficiency testing program approved by the division.

(C) Any laboratory facility testing specimens for emergency diagnosis and treatment may test for drugs listed on schedule I or II of the Kansas controlled substance act, K.S.A. 1996 Supp. 65-4105 and 65-4107, without meeting the requirements of paragraph (B), if test results are used only for diagnosis and treatment.

(c) Upon receipt of a laboratory's application for approval, the laboratory shall be inspected by a representative of the division. The laboratory shall be evaluated to determine compliance using the following criteria.

(1) Screening test methods shall screen for the following five classes of drugs:

- (A) amphetamines;
- (B) cannabinoid or THC metabolites;
- (C) cocaine metabolites;
- (D) opiates; and
- (E) phencyclidine.

(2) Each test procedure shall be performed in accordance with a written protocol. The protocol shall be approved by the laboratory director. The protocol shall require that a blank control containing no drug and a control fortified with a known analyte concentration greater than the threshold limit for each analyte be included with each batch of specimens tested. At least one



fortified control shall be at or near the threshold cutoff. The protocol shall insure that carryover between specimens does not occur.

(3) A laboratory quality assurance program shall be developed and implemented. The program shall contain the following components:

(A) requirements for sample collection that adhere to the criteria of the division director or the director's designee, or a signed statement that the specimen was properly collected according to these criteria, if collection is at a location other than the laboratory performing the test;

(B) identification and chain of custody procedures for specimens;

(C) procedures for assuring the security of the testing area, test records, and test reports;

(D) confirmation procedures for all positive screening tests unless evidenced by documentation that the testing is performed for one of the following:

(i) medical purposes on a hospital inpatient or patient currently undergoing treatment in a hospital emergency room;

(ii) a specimen from an individual currently under treatment for substance abuse; or

(iii) a correctional facility solely for the purpose of internal management of persons as defined in regulations promulgated by the secretary of corrections;

(E) a policy stating that only confirmed positive results shall be reported as positive;

(F) procedures for an internal quality control program that monitors the accuracy and precision of laboratory performance;

(G) procedures for an instrument maintenance program that, at a minimum, conforms to the manufacturer's specifications;

(H) provision for retention of all confirmed positive specimens for at least one year;

(I) policies requiring disposal of all medical wastes in accordance with K.A.R. 28-29-27; and

(J) documentation of adherence to the foregoing policies and procedures.

(4) Equipment required by the test system shall meet the specifications of the test system's manufacturer.

(5) Reagents, controls, and any other required materials for the procedure being performed shall be available and shall be stored according to the manufacturer's specifications.

(d) During the inspection by the division, one or more testing personnel may be required to demonstrate performance of the procedure under consideration.

(e) Except as provided in subsection (k), each approved laboratory located in Kansas shall be inspected by the division biennially. A follow-up inspection of any approved laboratory may be conducted by the division at any time.

(f) Each laboratory performing tests for controlled substances shall have an individual serving as laboratory director who holds one of the following credentials:

(1) current licensure as a physician in the state where the laboratory is located, with additional training in pharmacology, toxicology, clinical pathology or forensic pathology; or

(2) an earned doctoral degree from an accredited institution in a chemical or biological science and at least two years of laboratory experience in chemistry or analytical toxicology.

(g) Each laboratory performing tests for controlled substances shall have an individual or individuals serving as a laboratory supervisor. Each laboratory supervisor shall hold one of the following credentials:

(1) an earned doctoral degree from an accredited institution in a chemical or biological science and at least two years of laboratory experience in chemistry or analytical toxicology; or

(2) an earned baccalaureate degree from an accredited institution in a chemical or biological science or medical technology and at least four years of experience in chemistry or analytical toxicology.

(h) Each laboratory performing tests for controlled substances shall have one or more individuals serving as testing personnel. Each individual serving as testing personnel shall hold one of the following credentials:

(1) an earned baccalaureate degree from an accredited institution in a chemical or biological science or medical technology;

(2) an earned associate degree from an accredited institution in a chemical or biological science or medical technology; or

(3) have achieved a satisfactory grade in the health and human services written clinical laboratory technologist examinations offered between March 7, 1975 and August 28, 1987 by the professional examination service.

(A) The laboratory director shall document that testing personnel performing tests have been adequately trained in each test procedure being performed.

(B) Records of educational credentials and training shall be maintained for each individual qualified under subsections (f), (g), or (h) of this regulation.

(i) One copy of each test requisition, test record, and test report shall be maintained in a readily retrievable manner by the laboratory for a period of two years.

(j) Proficiency program. Each laboratory shall enroll and participate in an approved external proficiency testing program for opiates, cocaine, cannabinoids or THC, amphetamines, and phencyclidine. A list of approved proficiency testing programs shall be available from the division.

(1) The results of each laboratory's performance in the proficiency testing program shall be sent directly from the approved program provider to the division.

(2) The approval for any laboratory may be revoked by the director of the division or the director's designee when the laboratory meets the criteria for unsuccessful participation in an approved external proficiency testing program.

(3) Each laboratory shall undertake an investigation and institute corrective action for all incorrect responses identified in the proficiency testing program. The laboratory shall maintain documentation of the investigation and corrective action for a period of two years.

(k) (1) Any laboratory that is not located in the state of Kansas may apply for approval. Such a laboratory shall

(continued)

be added to the list of approved laboratories if it meets the following conditions.

(A) The laboratory shall be certified or approved by a federal, state, or independent agency having standards that are determined by the director of the division, or the director's designee, to be generally equivalent or more stringent than the standards set out in subsections (b) through (j) of this regulation.

(B) The laboratory seeking approval shall submit the following documentation for inspection by the department:

(i) a completed application on standard forms furnished by the division;

(ii) a report of the most recently completed on-site inspection by the approving agency addressing subsections (c) through (e);

(iii) proficiency testing results from the most recently completed proficiency challenge;

(iv) documents demonstrating that the laboratory personnel meet the qualifications set forth in subsections (f), (g), and (h); and

(v) any other documentation deemed necessary by the division.

(2) Any laboratory located in Kansas may seek approval under this subsection in lieu of following approval procedures in subsection (b) and meeting the on-site inspection requirements in subsections (c) through (e).

(l) List of approved laboratories. A current list of approved laboratories shall be maintained by the division. Each laboratory shall be approved biennially.

(m) Removal from approved list.

(1) A laboratory shall be removed from the approved list after voluntarily terminating or after notice and an opportunity for a hearing. All orders of revocation shall become final 15 days after service unless an appeal is filed in writing. All appeals shall be conducted according to the Kansas administrative procedure act, K.S.A. 77-501 et seq. and any amendments.

(2) Notification of removal of a laboratory from the approved list shall be made by certified mail. (Authorized by K.S.A. 1996 Supp. 65-1,107; implementing K.S.A. 1996 Supp. 65-1,107, 65-1,108, and 65-1,108a; effective Oct. 2, 1989; amended May 3, 1996; amended Oct. 10, 1997.)

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 019669

## INDEX TO ADMINISTRATIVE REGULATIONS

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Reg. No.	Action	Register
63-3-10	Amended	V. 16, p. 1250

**AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY**

Reg. No.	Action	Register
65-5-6	Amended	V. 16, p. 300
65-5-9	New	V. 16, p. 249
65-5-10	New	V. 16, p. 250
65-10-1	Amended	V. 16, p. 1176

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-1-1f	Amended	V. 16, p. 1176
68-1-2a	New	V. 16, p. 1176
68-2-5	Amended	V. 16, p. 1177
68-2-9	Amended	V. 16, p. 1177
68-20-15a	Amended	V. 16, p. 1177

**AGENCY 69: BOARD OF COSMETOLOGY**

Reg. No.	Action	Register
69-15-1 through 69-15-30	New	V. 16, p. 1281-1288

**AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS**

Reg. No.	Action	Register
70-1-1	Amended	V. 16, p. 173
70-1-6	New	V. 16, p. 441
70-2-1	Revoked	V. 16, p. 173
70-2-2	Revoked	V. 16, p. 173
70-2-3	Revoked	V. 16, p. 173
70-4-1 through 70-4-7	Revoked	V. 16, p. 173
70-4-8	New	V. 16, p. 441
70-4-9	New	V. 16, p. 443
70-4-10	New	V. 16, p. 443
70-5-1	Amended	V. 16, p. 173
70-7-1	New	V. 16, p. 173
70-8-1	New	V. 16, p. 174
70-9-1	New	V. 16, p. 1289
70-10-1	New	V. 16, p. 175

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-1-5	Revoked	V. 16, p. 1119
74-1-6	New	V. 16, p. 1119
74-2-1	Amended	V. 16, p. 1119
74-12-1	Amended	V. 16, p. 1120

**AGENCY 75: CONSUMER CREDIT COMMISSIONER**

Reg. No.	Action	Register
75-6-26	Amended	V. 16, p. 301

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-3-103a	Amended	V. 16, p. 1332
82-3-120	Amended	V. 16, p. 1332
82-3-120a	New	V. 16, p. 1332
82-3-123	Amended	V. 16, p. 1333
82-3-129	Revoked	V. 16, p. 1333
82-3-130	Amended	V. 16, p. 1333
82-3-136	Amended	V. 16, p. 1333
82-3-141	Revoked	V. 16, p. 1333
82-3-304	Amended	V. 16, p. 1333
82-3-308	Revoked	V. 16, p. 1334
82-3-309	Revoked	V. 16, p. 1334

82-3-312	Amended	V. 16, p. 1334
82-3-313	Revoked	V. 16, p. 1334
82-3-500 through 82-3-504	Revoked	V. 16, p. 1334

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-10-2	Amended	V. 16, p. 409

**AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION**

Reg. No.	Action	Register
93-6-1 through 93-6-6	New	V. 16, p. 1552

**AGENCY 94: BOARD OF TAX APPEALS**

Reg. No.	Action	Register
94-2-1 through 94-2-12	Amended	V. 16, p. 1242-1245
94-2-13 through 94-2-18	New	V. 16, p. 1245, 1246
94-3-1	Amended	V. 16, p. 1246
94-3-2	Amended	V. 16, p. 1246

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-6-2	Amended	V. 16, p. 737
100-15-1	Amended	V. 16, p. 1176
100-23-1	Amended	V. 16, p. 1174
100-29-1 through 100-29-14	New	V. 16, p. 380-384
100-34-3	Revoked	V. 16, p. 384
100-34-4	Revoked	V. 16, p. 384
100-35-1	Revoked	V. 16, p. 384
100-35-3	Revoked	V. 16, p. 384
100-35-6	Revoked	V. 16, p. 384
100-35-7	Revoked	V. 16, p. 384
100-36-1	Revoked	V. 16, p. 384
100-37-1	Revoked	V. 16, p. 384
100-37-2	Revoked	V. 16, p. 384
100-38-1	Revoked	V. 16, p. 385
100-39-1	Revoked	V. 16, p. 385
100-40-2	Revoked	V. 16, p. 385
100-42-2	Revoked	V. 16, p. 385
100-46-1	Revoked	V. 16, p. 385
100-46-2	Revoked	V. 16, p. 385
100-46-3	Revoked	V. 16, p. 385
100-46-5	Revoked	V. 16, p. 385
100-46-6	Revoked	V. 16, p. 385
100-47-1	Revoked	V. 16, p. 385
100-49-5	Amended	V. 16, p. 1176
100-54-7	Amended	V. 16, p. 142
100-67-1	New	V. 16, p. 1174, 1549

**AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION**

Reg. No.	Action	Register
108-1-1	Amended	V. 16, p. 651

**AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES**

Reg. No.	Action	Register
109-8-1	Amended	V. 16, p. 685

**AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING**

Reg. No.	Action	Register
110-4-1 through 110-4-4	Amended	V. 16, p. 1329-1331
110-4-5	New	V. 16, p. 1331

**AGENCY 111: KANSAS LOTTERY**

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 15, p. 1304
111-2-1	Amended	V. 16, p. 1043
111-2-2	Amended	V. 12, p. 1261
111-2-2a through 111-2-2e	New	V. 14, p. 1633, 1634
111-2-4	Amended	V. 15, p. 1953
111-2-6	Revoked	V. 13, p. 149

111-2-7	Revoked	V. 10, p. 1210
111-2-13	Revoked	V. 10, p. 881
111-2-14	Amended	V. 14, p. 1634
111-2-15	Revoked	V. 10, p. 881
111-2-16	Revoked	V. 10, p. 1210
111-2-17	Revoked	V. 10, p. 1210
111-2-18	Revoked	V. 11, p. 413
111-2-19	Revoked	V. 11, p. 413

111-2-20 through 111-2-26	Revoked	V. 13, p. 1401
111-2-27	Revoked	V. 14, p. 972
111-2-28	New	V. 12, p. 1844
111-2-29	Revoked	V. 14, p. 972
111-2-30	Amended	V. 15, p. 1180
111-2-31	New	V. 14, p. 170

111-2-42	Revoked	V. 16, p. 448, 449
111-2-43	New	V. 15, p. 287
111-2-44	New	V. 15, p. 288
111-2-45	New	V. 15, p. 288
111-2-46	New	V. 15, p. 624
111-2-47	Amended	V. 16, p. 449
111-2-48	New	V. 15, p. 1055
111-2-49	New	V. 15, p. 1055
111-2-50	New	V. 15, p. 1056
111-2-51	New	V. 15, p. 1440
111-2-52	New	V. 15, p. 1441
111-2-53	New	V. 15, p. 1710
111-2-54	New	V. 15, p. 1920
111-2-55	New	V. 15, p. 1953
111-2-56	New	V. 16, p. 449
111-2-57	New	V. 16, p. 449
111-2-58	New	V. 16, p. 689
111-2-59	New	V. 16, p. 1043
111-2-60	New	V. 16, p. 1209
111-2-61	New	V. 16, p. 1473
111-2-62	New	V. 16, p. 1209
111-3-1	Amended	V. 14, p. 908
111-3-6	Amended	V. 12, p. 677
111-3-9	Revoked	V. 11, p. 1793

111-3-10 through 111-3-31	New	V. 7, p. 201-206
111-3-11	Amended	V. 13, p. 35
111-3-12	Amended	V. 13, p. 1826
111-3-13	Amended	V. 11, p. 1148
111-3-14	Amended	V. 13, p. 1826
111-3-16	Amended	V. 9, p. 1566

111-3-19 through 111-3-22	Amended	V. 9, p. 30
111-3-22	Revoked	V. 13, p. 1827
111-3-19	Amended	V. 11, p. 1148
111-3-20	Amended	V. 11, p. 1148
111-3-21	Amended	V. 11, p. 1148
111-3-22	Amended	V. 10, p. 883
111-3-23	Revoked	V. 13, p. 1827
111-3-25	Amended	V. 11, p. 1149
111-3-26	Amended	V. 11, p. 1149
111-3-27	Amended	V. 11, p. 1149
111-3-29	Revoked	V. 11, p. 1149
111-3-31	Amended	V. 8, p. 209
111-3-32	Amended	V. 10, p. 883
111-3-33	New	V. 7, p. 1434
111-3-34	New	V. 13, p. 149
111-3-35	Amended	V. 14, p. 909
111-3-36	New	V. 13, p. 877
111-3-37	New	V. 13, p. 877

111-4-1 through 111-4-5	Revoked	V. 12, p. 113
111-4-5a	Revoked	V. 12, p. 113
111-4-6 through 111-4-15	Revoked	V. 12, p. 113
111-4-16	New	V. 7, p. 207-209

111-4-17	New	V. 7, p. 1606-1610
111-4-18	Amended	V. 14, p. 972

111-4-106 through 111-4-106a	Revoked	V. 16, p. 450
111-4-107	Revoked	V. 16, p. 450
111-4-107 through 111-4-114	Revoked	V. 16, p. 450, 451

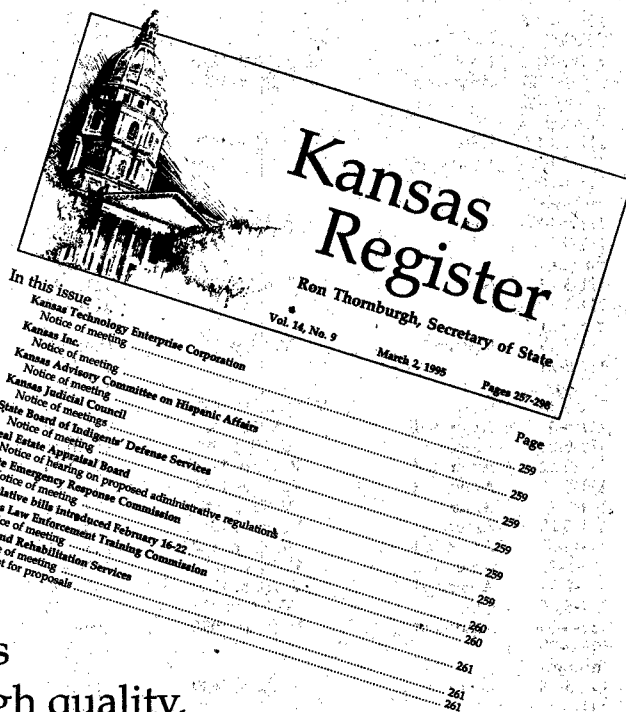
111-4-153 through	Revoked	V. 9, p. 1676, 1677	111-4-388 through	Revoked	V. 12, p. 1373	111-4-703 through	New	V. 14, p. 909-914
111-4-160			111-4-391			111-4-723		
111-4-177 through			111-4-392 through			111-4-724 through		
111-4-212	Revoked	V. 9, p. 1677, 1678	111-4-400	Revoked	V. 16, p. 252	111-4-736	New	V. 14, p. 978-981
111-4-213 through			111-4-401 through			111-4-737 through		
111-4-220	Revoked	V. 10, p. 1213	111-4-404	Revoked	V. 12, p. 1373	111-4-749	New	V. 14, p. 1095-1098
111-4-221 through			111-4-405 through			111-4-750 through		
111-4-224	Revoked	V. 10, p. 1585	111-4-413	Revoked	V. 16, p. 452	111-4-757	New	V. 14, p. 1408, 1409
111-4-225 through			111-4-414 through			111-4-758 through		
111-4-228	Revoked	V. 10, p. 1585	111-4-428	Revoked	V. 14, p. 8	111-4-761	New	V. 14, p. 1502, 1503
111-4-229 through			111-4-429 through			111-4-762 through		
111-4-236	Revoked	V. 10, p. 1585, 1586	111-4-432	Revoked	V. 12, p. 1373	111-4-778	New	V. 14, p. 1410-1414
111-4-237 through			111-4-433 through			111-4-769	Amended	V. 14, p. 1503
111-4-240	Revoked	V. 11, p. 413	111-4-436	Revoked	V. 12, p. 1374	111-4-779 through		
111-4-241 through			111-4-437 through			111-4-791	New	V. 14, p. 1504-1507
111-4-244	Revoked	V. 12, p. 1371	111-4-440	Revoked	V. 12, p. 1374	111-4-792 through		
111-4-245 through			111-4-441 through			111-4-803	New	V. 14, p. 1635-1638
111-4-248	Revoked	V. 12, p. 1371	111-4-444	Revoked	V. 14, p. 8	111-4-804 through		
111-4-249 through			111-4-445 through			111-4-816	New	V. 15, p. 116-119
111-4-256	Revoked	V. 12, p. 113, 114	111-4-448	Revoked	V. 12, p. 1374	111-4-817 through		
111-4-257 through			111-4-449 through			111-4-824	New	V. 15, p. 289, 290
111-4-286	Revoked	V. 11, p. 413, 414	111-4-453	Revoked	V. 14, p. 8	111-4-825 through		
111-4-287 through			111-4-454 through			111-4-838	New	V. 15, p. 449-452
111-4-290	Revoked	V. 12, p. 1371	111-4-465	Revoked	V. 12, p. 1664, 1665	111-4-839 through		
111-4-291 through			111-4-466 through			111-4-854	New	V. 15, p. 624-627
111-4-300	Revoked	V. 12, p. 114	111-4-469	Revoked	V. 12, p. 1665	111-4-855 through		
111-4-301 through			111-4-470 through			111-4-859	New	V. 15, p. 884, 885
111-4-307	Revoked	V. 13, p. 1402	111-4-477	Revoked	V. 16, p. 452, 453	111-4-855	Amended	V. 15, p. 1181
111-4-308 through			111-4-478 through			111-4-860 through		
111-4-317	Revoked	V. 16, p. 451	111-4-492	Revoked	V. 14, p. 974, 975	111-4-872	New	V. 15, p. 1056-1059
111-4-318 through			111-4-493 through			111-4-871	Amended	V. 15, p. 1181
111-4-321	Revoked	V. 12, p. 114	111-4-496	Revoked	V. 16, p. 453	111-4-873 through		
111-4-322 through			111-4-497 through			111-4-892	New	V. 15, p. 1181-1186
111-4-327	Revoked	V. 12, p. 1371	111-4-512	Revoked	V. 14, p. 975	111-4-881	Amended	V. 16, p. 1505
111-4-328 through			111-4-513 through			111-4-893 through		
111-4-335	Revoked	V. 12, p. 114	111-4-521	Revoked	V. 16, p. 453	111-4-910	New	V. 15, p. 1441-1445
111-4-336 through			111-4-522 through			111-4-911 through		
111-4-340	Revoked	V. 16, p. 451	111-4-571	Revoked	V. 14, p. 975-977	111-4-918	New	V. 15, p. 1475, 1476
111-4-341	Revoked	V. 11, p. 1473	111-4-572 through			111-4-915	Amended	V. 15, p. 1954
111-4-341a	Revoked	V. 12, p. 1372	111-4-585	New	V. 13, p. 878-880	111-4-918	Amended	V. 15, p. 1954
111-4-341b	Revoked	V. 16, p. 451	111-4-572	Amended	V. 16, p. 1044	111-4-919 through		
111-4-341c	Revoked	V. 16, p. 451	111-4-574	Amended	V. 16, p. 1044	111-4-941	New	V. 15, p. 1710-1716
111-4-342 through			111-4-575	Amended	V. 16, p. 1044	111-4-942 through		
111-4-345	Revoked	V. 16, p. 451	111-4-576	Amended	V. 16, p. 1044	111-4-965	New	V. 15, p. 1921-1926
111-4-346 through			111-4-577	Amended	V. 16, p. 1044	111-4-946	Amended	V. 15, p. 1954
111-4-349	Revoked	V. 12, p. 114	111-4-579	Amended	V. 16, p. 1045	111-4-962	Amended	V. 16, p. 341
111-4-350 through			111-4-581	Amended	V. 16, p. 1045	111-4-963	Amended	V. 16, p. 341
111-4-355	Revoked	V. 16, p. 452	111-4-582	Amended	V. 16, p. 1045	111-4-966 through		
111-4-356 through			111-4-583	Amended	V. 15, p. 883	111-4-970	New	V. 15, p. 1954, 1955
111-4-361	Revoked	V. 14, p. 7	111-4-584	Amended	V. 16, p. 1045	111-4-971 through		
111-4-362 through			111-4-586 through			111-4-982	New	V. 16, p. 341-344
111-4-365	Revoked	V. 12, p. 114, 115	111-4-606	Revoked	V. 14, p. 977, 978	111-4-983 through		
111-4-366 through			111-4-607 through			111-4-991	New	V. 16, p. 456, 457
111-4-369	Revoked	V. 12, p. 1373	111-4-619	New	V. 13, p. 1436-1438	111-4-992 through		
111-4-370 through			111-4-610	Amended	V. 16, p. 1504	111-4-1012	New	V. 16, p. 689-694
111-4-379	Revoked	V. 14, p. 7, 8	111-4-611	Amended	V. 14, p. 1407	111-4-996a	New	V. 16, p. 1080
111-4-380 through			111-4-613	Amended	V. 14, p. 1408	111-4-1013 through		
111-4-383	Revoked	V. 12, p. 1664	111-4-616 through			111-4-1016	New	V. 16, p. 1045, 1046
111-4-384 through			111-4-623	Revoked	V. 14, p. 978	111-4-1017 through		
111-4-387	Revoked	V. 12, p. 1373	111-4-624 through			111-4-1037	New	V. 16, p. 1081-1085
			111-4-702	Revoked	V. 16, p. 453-455	111-4-1031	Amended	V. 16, p. 1473

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111-4-1038 through			111-7-1	Amended	V. 8, p. 212	111-9-25 through		
111-4-1041 New	V. 16, p. 1209, 1210		111-7-3	Amended	V. 11, p. 1796	111-9-30 New	V. 9, p. 699, 700	
111-4-1041 Amended	V. 16, p. 1473		111-7-3a	Revoked	V. 13, p. 340	111-9-31 through		
111-4-1042 through			111-7-4	Amended	V. 9, p. 1367	111-9-36 New	V. 10, p. 262	
111-4-1059 New	V. 16, p. 1474-1478		111-7-5	Amended	V. 9, p. 986	111-9-37 through		
111-4-1048 Amended	V. 16, p. 1505		111-7-6	Amended	V. 9, p. 987	111-9-48 New	V. 10, p. 1439, 1440	
111-4-1060 through			111-7-9	Amended	V. 12, p. 1263	111-9-49 through		
111-4-1083 New	V. 16, p. 1506-1511		111-7-11	Amended	V. 15, p. 1188	111-9-54 New	V. 12, p. 318, 319	
111-5-1 through			111-7-12 through			111-9-55 through		
111-5-23 New	V. 7, p. 209-213		111-7-32 New	V. 7, p. 1194-1196		111-9-60 New	V. 12, p. 1263, 1264	
111-5-9 through			111-7-33 through			111-9-61 through		
111-5-19 Revoked	V. 15, p. 291		111-7-43 New	V. 7, p. 1197, 1198		111-9-78 New	V. 16, p. 1087-1089	
111-5-21 through			111-7-33a New	V. 8, p. 300		111-10-1 through		
111-5-33 New	V. 11, p. 415-418		111-7-44 through			111-10-9 New	V. 8, p. 136-138	
111-5-33 Amended	V. 16, 1478		111-7-54 Revoked	V. 13, p. 340		111-10-7 Amended	V. 8, p. 301	
111-5-21 Revoked	V. 15, p. 291		111-7-46 Amended	V. 11, p. 1152		<b>AGENCY 112: KANSAS RACING AND GAMING COMMISSION</b>		
111-5-33 Amended	V. 13, p. 1438		111-7-54 Amended	V. 11, p. 1511		Reg. No.	Action	Register
111-5-22 Amended	V. 15, p. 1059		111-7-55 through			112-3-21 New	V. 16, p. 1151	
111-5-23 Amended	V. 11, p. 983		111-7-63 Revoked	V. 10, p. 1217		112-4-1 Amended	V. 16, p. 1151	
111-5-24 Amended	V. 15, p. 1059		111-7-60 Amended	V. 10, p. 262		112-4-26 New	V. 16, p. 1152	
111-5-25 Amended	V. 11, p. 482		111-7-64 through			112-10-6 Amended	V. 16, p. 379	
111-5-27 Amended	V. 15, p. 1060		111-7-75 New	V. 11, p. 13, 14		112-16-6 Amended	V. 16, p. 1469	
111-5-29 Amended	V. 15, p. 1060		111-7-66 Amended	V. 15, p. 1304		112-16-14 Amended	V. 16, p. 380	
111-5-34 New	V. 12, p. 318		111-7-66a Revoked	V. 13, p. 340		112-18-3 Amended	V. 16, p. 1152	
111-5-34a Amended	V. 14, p. 1098		111-7-75 through			<b>AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS</b>		
111-5-35 through			111-7-78 Amended	V. 15, p. 1188		Reg. No.	Action	Register
111-5-38 Revoked	V. 13, p. 1439		111-7-75 Amended	V. 16, p. 1479		115-1-1 Amended	V. 16, p. 1469	
111-5-39 through			111-7-78 Amended	V. 16, p. 1479		115-2-1 Amended	V. 16, p. 248	
111-5-44 New	V. 15, p. 1022, 1023		111-7-79 Revoked	V. 13, p. 340		115-2-3 Amended	V. 16, p. 1471	
111-5-45 through			111-7-80 through			115-3-2 Amended	V. 16, p. 1471	
111-5-50 New	V. 15, p. 1060-1062		111-7-83 New	V. 11, p. 1478-1480		115-4-1 Amended	V. 16, p. 823	
111-5-46 Amended	V. 15, p. 1186		111-7-81 Amended	V. 15, p. 1189		115-4-3 Amended	V. 16, p. 824	
111-5-51 New	V. 15, p. 1477		111-7-83 Amended	V. 15, p. 1189		115-4-5 Amended	V. 16, p. 825	
111-5-52 through			111-7-84 through			115-4-6 Amended	V. 16, p. 826	
111-5-57 New	V. 16, p. 458, 459		111-7-93 Revoked	V. 15, p. 291		115-4-7 Amended	V. 16, p. 828	
111-5-58 through			111-7-94 Revoked	V. 13, p. 340		115-4-13 Amended	V. 16, p. 829	
111-5-63 New	V. 16, p. 1085-1087		111-7-95 through			115-9-5 Amended	V. 16, p. 1472	
111-5-62 Amended	V. 16, p. 1511		111-7-118 through			115-14-3 Amended	V. 16, p. 1175	
111-6-1 through			111-7-119 through			115-14-9 Amended	V. 16, p. 1175	
111-6-15 New	V. 7, p. 213-217		111-7-127 New	V. 15, p. 1189-1191		115-18-7 Amended	V. 16, p. 1551	
111-6-1 Amended	V. 15, p. 1445		111-7-122 Amended	V. 15, p. 1477		115-18-13 Amended	V. 16, p. 1472	
111-6-3 Amended	V. 14, p. 313		111-7-123 Amended	V. 15, p. 1477		115-18-15 New	V. 16, p. 1551	
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111-6-6 Amended	V. 11, p. 1973		111-7-127 Amended	V. 16, p. 1479		<b>AGENCY 117: REAL ESTATE APPRAISAL BOARD</b>		
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111-6-9 Revoked	V. 14, p. 313		111-8-3 Amended	V. 10, p. 886		117-4-2 Amended	V. 16, p. 304	
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111-6-22 New	V. 13, p. 881		111-9-1 through					
111-6-23 New	V. 13, p. 881		111-9-6 Revoked	V. 9, p. 1680				
111-7-1 through			111-9-13 through					
111-7-10 New	V. 7, p. 1192, 1193		111-9-18 Revoked	V. 9, p. 1680				

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